

EXHIBIT

75

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

Plaintiff,

v.

ACTAVIS, PLC, and
FOREST LABORATORIES, LLC,

Defendants.

Case No.: 14-cv-7473

FILED UNDER SEAL

DECLARATION OF DAVID F. SOLOMON

I, David F. Solomon, hereby declare as follows:

1. I am a Partner at Hildred Capital Partners, LLC, an investment management firm in New York, New York. Before joining Hildred, I worked for nearly 15 years at Forest Laboratories, Inc., including after it was acquired by Actavis. I held various positions at Forest, including, among others, Senior Adviser to the CEO and Senior Vice President of Corporate Development and Strategy.

Summary of Testimony

2. There will be robust generic competition for twice-a-day NAMENDA® IR Tablets in July 2015. In addition to Cobalt, a Watson/Actavis subsidiary, no fewer than 16 other generic manufacturers submitted Abbreviated New Drugs Applications ("ANDAs") for generic versions of twice-daily NAMENDA® (memantine hydrochloride) Tablets. While FDA reports that 4 entities have "discontinued" their ANDAs, 12 have been granted tentative approval from the FDA for their respective ANDAs.

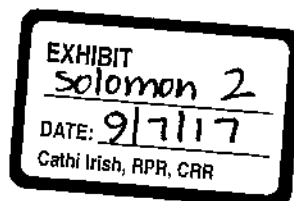
3. Of the 12 ANDA filers that have been granted tentative approval for their generic versions of NAMENDA® IR Tablets, five entered into patent-shortening settlements with Forest that will allow them to sell their generic versions of NAMENDA® IR Tablets as early as July 11, 2015. The remaining seven ANDA filers may be able to sell their generic versions of NAMENDA® IR Tablets as early as the expiration of pediatric exclusivity (October 11, 2015).

Background

4. Part of my responsibility while at Forest was to assess commercial opportunities in the United States and abroad, including licensing arrangements, intellectual property, and the related due diligence. I assessed commercial opportunities across Forest's product line, including

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opportunities related to twice-daily NAMENDA® and once-daily NAMENDA XR®, Forest's therapies for the treatment of Alzheimer's disease. As a former practicing lawyer (at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP), I was in a position to assist the company in working through legal issues and generally to work closely with Forest's internal and external lawyers. I make this declaration based on my personal knowledge, and in support of Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction.

Forest's Development of NAMENDA® and NAMENDA XR®

5. In 2000, Forest entered into a license agreement with Merz Pharmaceuticals to develop a drug product containing memantine hydrochloride in the United States as a treatment for Alzheimer's Disease.

6. After significant work and expense, including multiple human clinical trials and the preparation of a New Drug Application ("NDA") for twice-daily NAMENDA®, Forest began selling NAMENDA® IR Tablets in 2004. In 2005, Forest expanded its offerings of memantine treatments in the United States, when it launched a liquid solution version of NAMENDA® (often referred to as the "oral solution").

7. NAMENDA® IR tablets and the NAMENDA® oral solution are approved to be administered twice-a-day. For example, a patient on a daily regimen of 20mg of NAMENDA® tablets would take one 10mg tablet in the morning and another 10mg IR tablet at night. NAMENDA® IR tablets and oral solution are immediate release formulations.

8. In the early-2000s, Forest began developing an extended release formulation—which was later named NAMENDA XR®—containing the same active ingredient of NAMENDA®, memantine hydrochloride. Unlike NAMENDA®, NAMENDA XR® is an extended release capsule formulation that is designed to be taken only once a day. Forest introduced NAMENDA XR® to the market in June 2013.

Seventeen ANDAs by Generic Manufacturers for NAMENDA® Tablets

9. According to the FDA website, as of today, at least 16 companies have submitted ANDAs seeking to market generic versions of NAMENDA®. True and correct copies of the FDA website are attached as Exhibits A and B.

10. Additionally, a 17th company, Cobalt, submitted an ANDA for generic NAMENDA®. Cobalt was later acquired by Watson/Actavis.

11. Of the sixteen companies, I understand, based on the FDA's website, that four have "discontinued" their ANDAs for NAMENDA® IR formulations – Sun Pharma, Orchid, Dr. Reddy's, and Teva.

12. As a result, I understand that twelve generic manufacturers could be positioned to launch generic versions of NAMENDA® IR formulations, including Tablets, in 2015.

One Dozen Generics Entering in 2015

13. In 2008, after generic manufacturers filed ANDAs with the FDA seeking approval for their generic versions of NAMENDA® IR tablets, Forest and Merz filed patent infringement actions against generic manufacturers that sought to market their generic versions of NAMENDA® IR tablets before the expiration of the patent covering NAMENDA®, April 11, 2015.

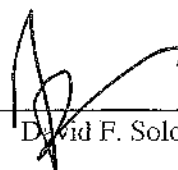
14. **Five Generic Competitors Expected to Enter on July 11, 2015.** Ultimately, Forest and Merz settled with each of the defendants in the patent infringement cases. For ten of the generic competitors (including Cobalt), Forest entered into patent shortening settlements permitting the generic manufacturers to enter the market three months before patent expiry, on July 11, 2015 (including pediatric exclusivity), or earlier in certain circumstances. Those 10 companies were: Amneal, Cobalt, Dr. Reddy's, Lupin, Mylan, Orchid, Sun, Teva, Upsher-Smith, and Wockhardt. According to FDA's website, 5 of these companies have been granted tentative approval by the FDA for their ANDAs (Amneal, Lupin, Mylan, Upsher-Smith and Wockhardt), and the ANDAs for 4 of these companies are identified as being "discontinued" (Dr. Reddy's, Orchid, Sun and Teva). The last company, Cobalt, is now part of Actavis.

15. **Seven Additional Generic Competitors Expected to Enter in October 2015.** Forest and Merz also entered into patent litigation settlements with [REDACTED] generic competitors [REDACTED] [REDACTED]—neither of which shared "first filer" ANDA exclusivity with the 10 generic competitors discussed above. [REDACTED]

[REDACTED] Four other generic manufacturers (Jubilant, Unichem, Alembic and Macleods) have been granted tentative approval by the FDA for their ANDAs, although they never sought to challenge their infringement of, or the validity of, the patent covering NAMENDA®. As a result, they may be able to enter the market upon the expiration of pediatric exclusivity, October 11, 2015. Lastly, in June 2014, Forest and Merz filed a patent infringement action against the generic manufacturer Aurobindo, which seeks to obtain FDA approval for its ANDA before the expiration of the patent covering NAMENDA®. Although that litigation remains pending, Aurobindo has been granted tentative approval by the FDA for its ANDA, so it may also be able to enter the market upon the expiration of pediatric exclusivity.

16. As a result of the settlement agreements, the five manufacturers will be able to sell their generic versions of NAMENDA® IR tablets as early as July 11, 2015. Further, seven more manufacturers should be able to sell their generic versions of NAMENDA® IR tablets as early as October 11, 2015.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed in New York, New York on October 21, 2014.



David F. Solomon

EXHIBIT 90

M. Devlin Namenda XR launch MM speech

5/14/2013

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HIGHLY CONFIDENTIAL

FRX-AT-01775214

M. Devlin Namenda XR launch MM speech

5/14/2013

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FRX-NY-01574213

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FRX-AT-01775215

M. Devlin Namenda XR launch MM speech

5/14/2013

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FRX-NY-01574214

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M. Devlin Namenda XR launch MM speech

5/14/2013

4

EXHIBIT 93

Namenda IR & XR Conversion Plan

October 2013

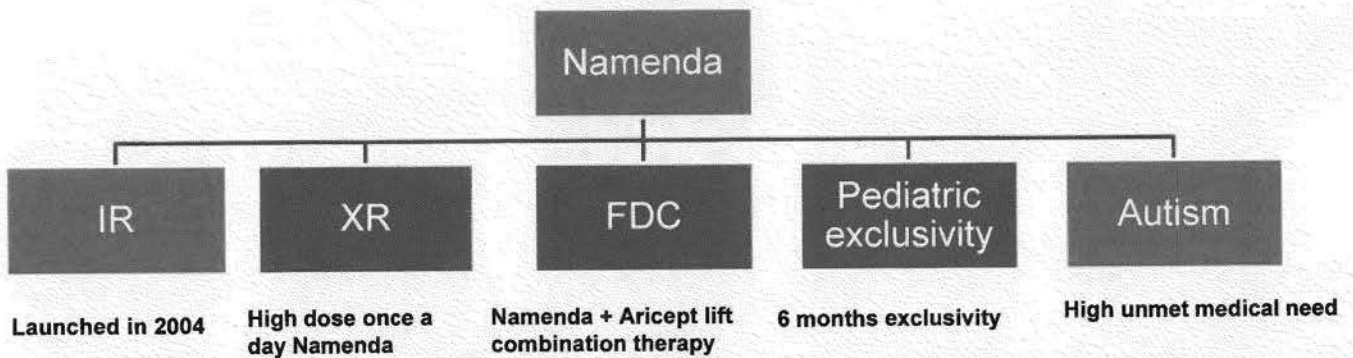
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Product line overview

- Namenda line consists of 3 different products, Namenda, Namenda XR, and Namenda FDC (memantine + donepezil)
- Exclusivity on IR is projected to July 2015 (includes pediatric exclusivity); [REDACTED]



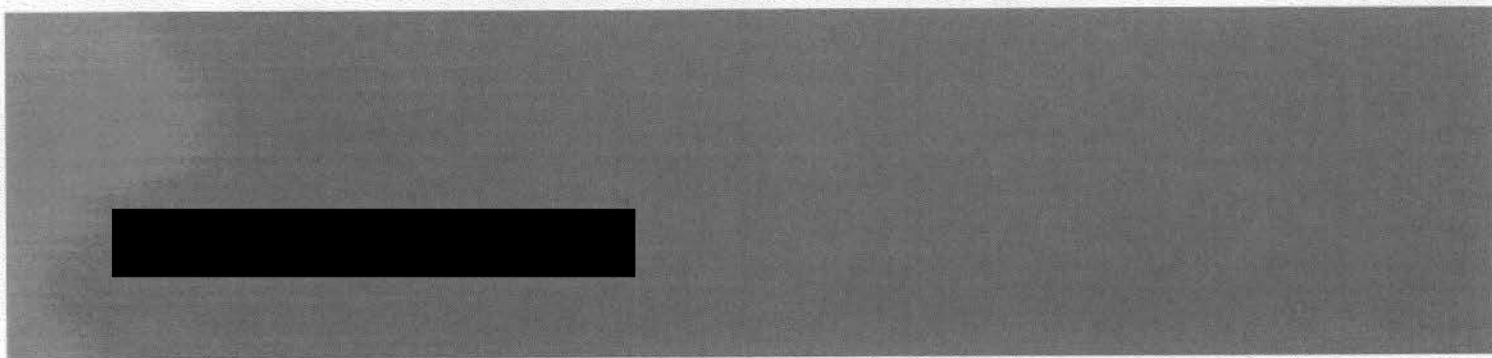
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- I [REDACTED]
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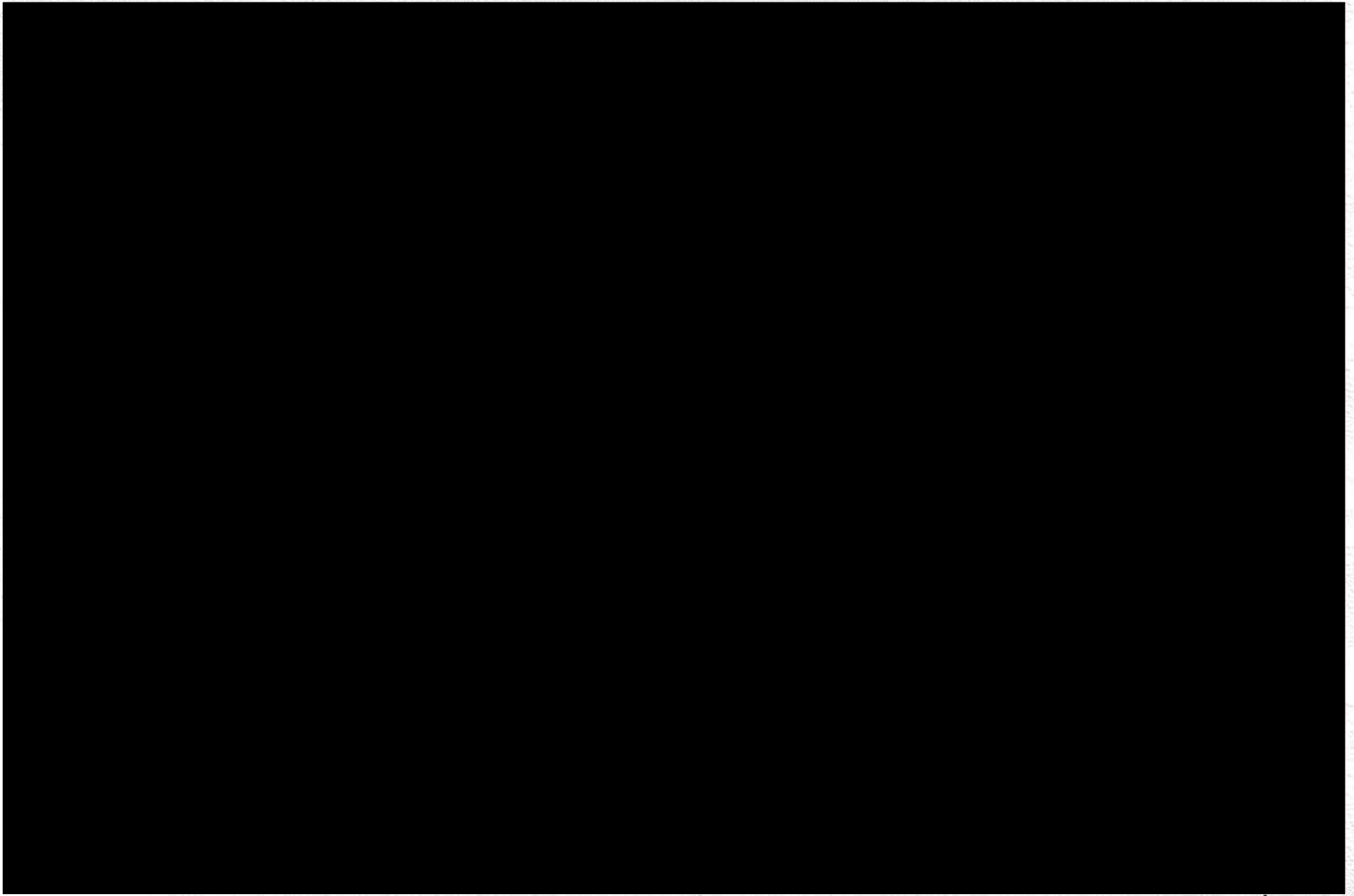
Forest Laboratories, Inc.

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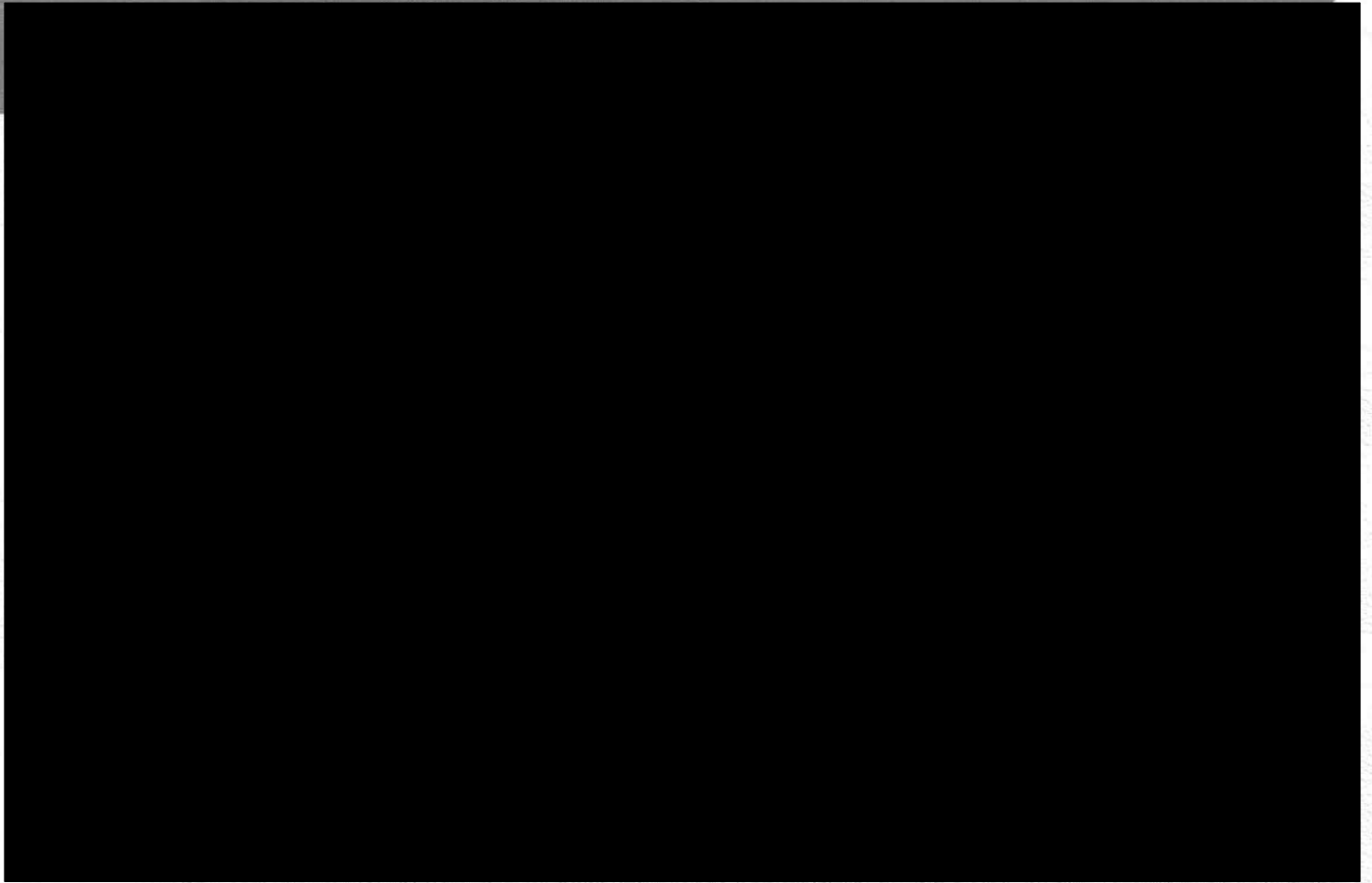


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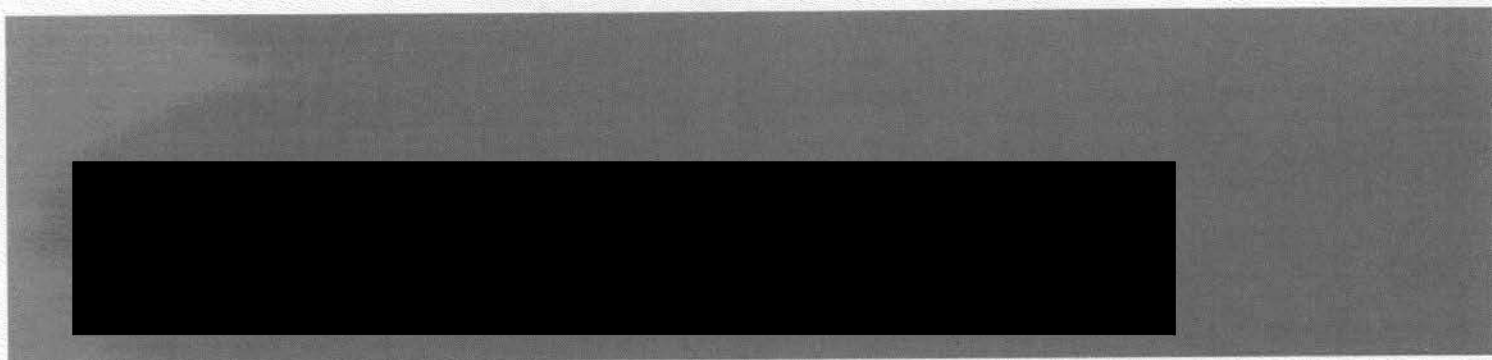
Forest Laboratories, Inc.

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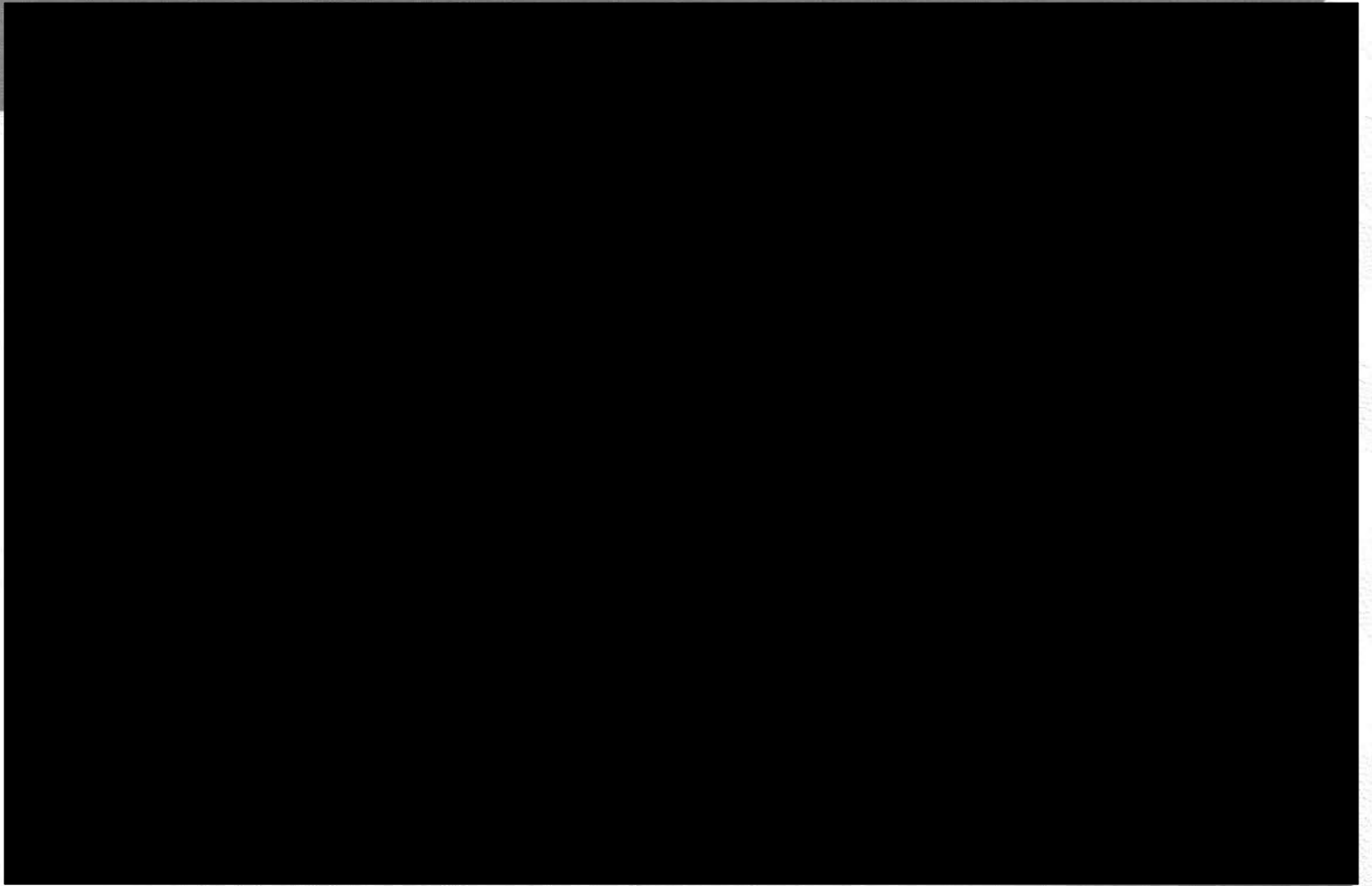
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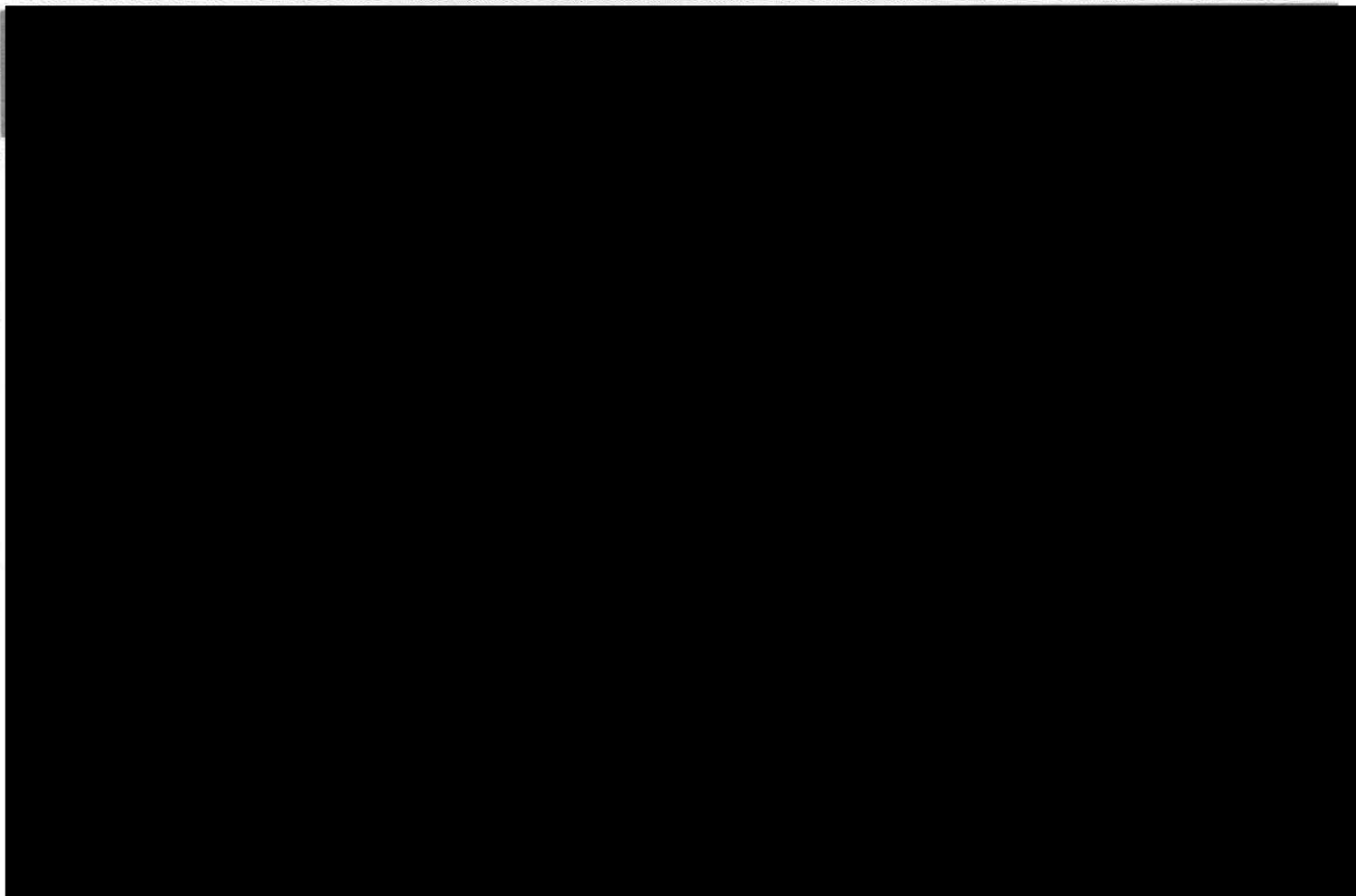




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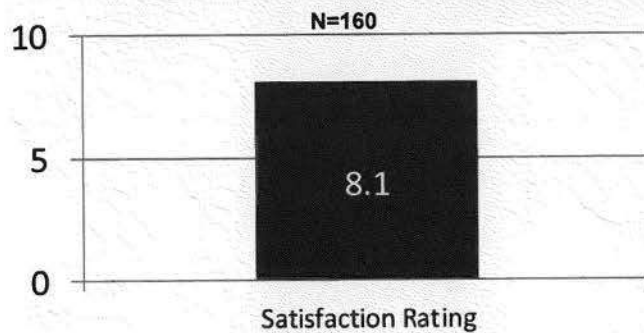
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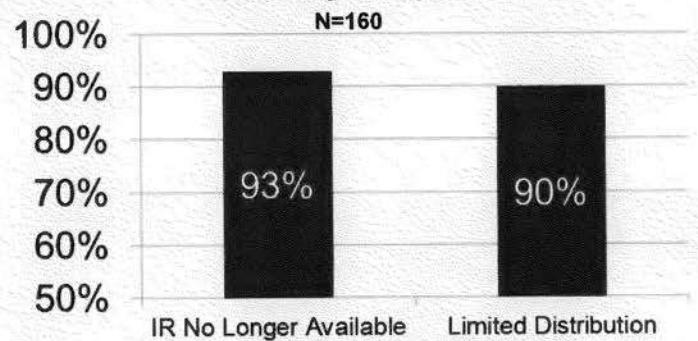
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MDs satisfied with XR

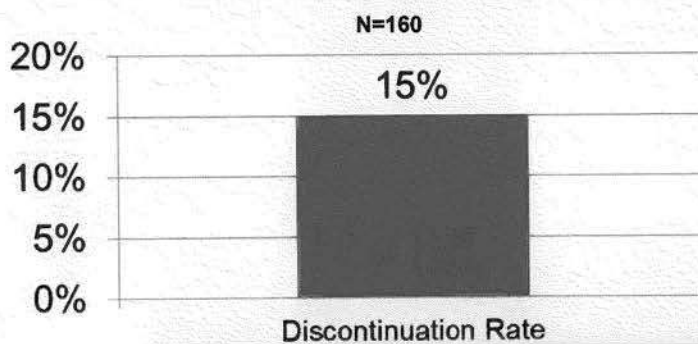
Namenda XR Satisfaction Rating (1=not satisfied and 10=extremely satisfied)



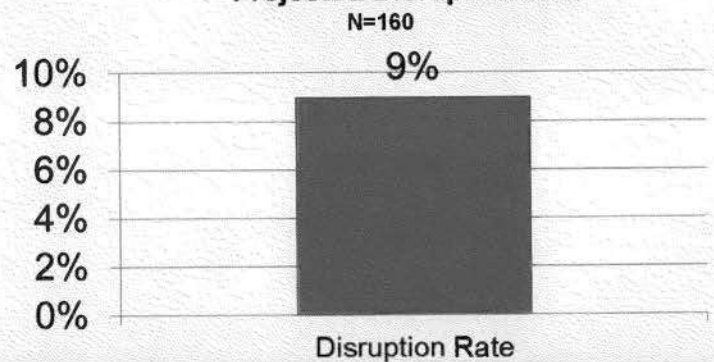
% of MDs rating scenario acceptable to extremely acceptable



XR Discontinuation Rate



Projected Disruption Rate

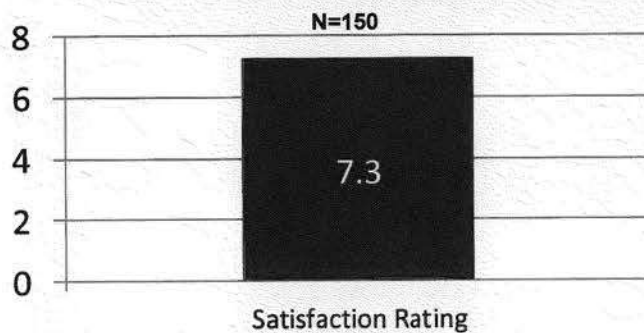


Forest Laboratories, Inc.

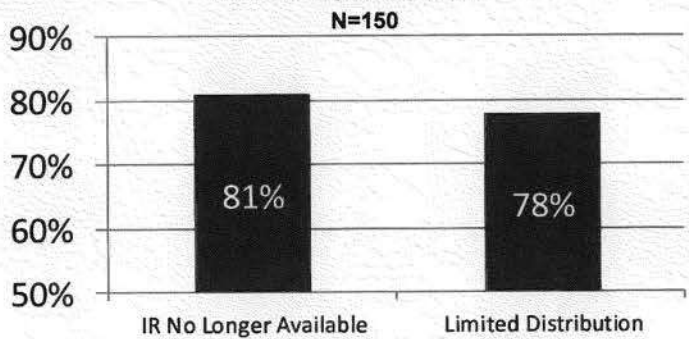
CONFIDENTIAL | 11

Caregivers satisfied with XR

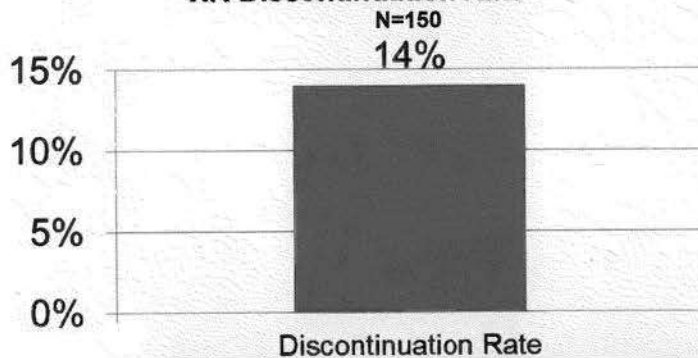
Namenda XR Satisfaction Rating (1=not satisfied and 10= extremely satisfied)



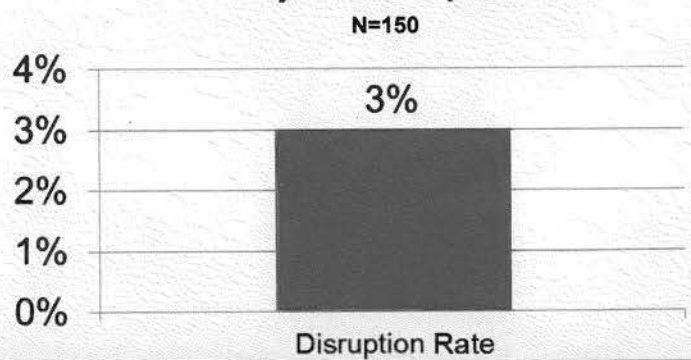
% of Caregivers rating scenario acceptable to extremely acceptable



XR Discontinuation Rate



Projected Disruption Rate



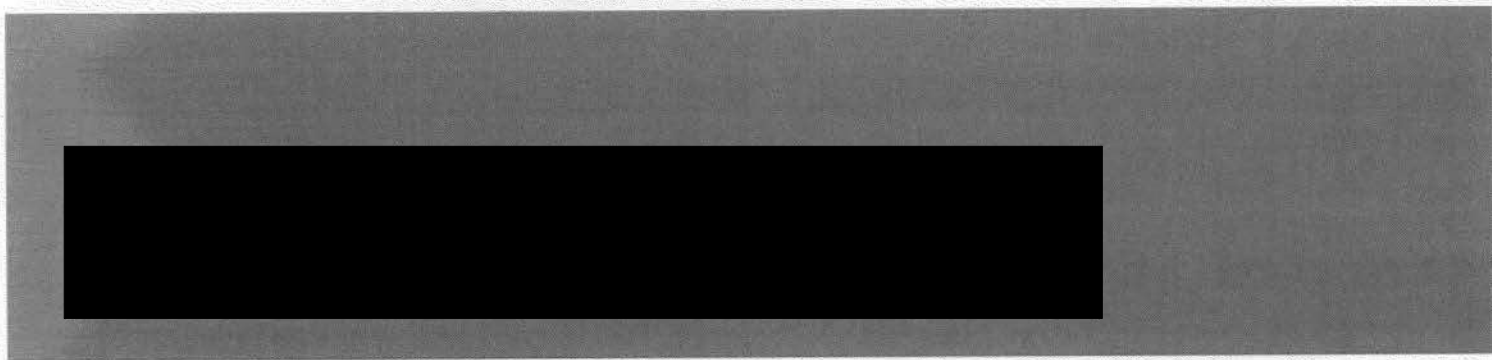
Pharmacy Research

- 86% of pharmacists are comfortable to completely comfortable with the complete withdrawal scenario
 - 77% are comfortable with the limited distribution scenario
- 90% of pharmacists would contact MD to suggest XR if BID is no longer available.
- 87% of pharmacists would want to tell Namenda patients when they come in for their prescriptions that a change was going to happen
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]



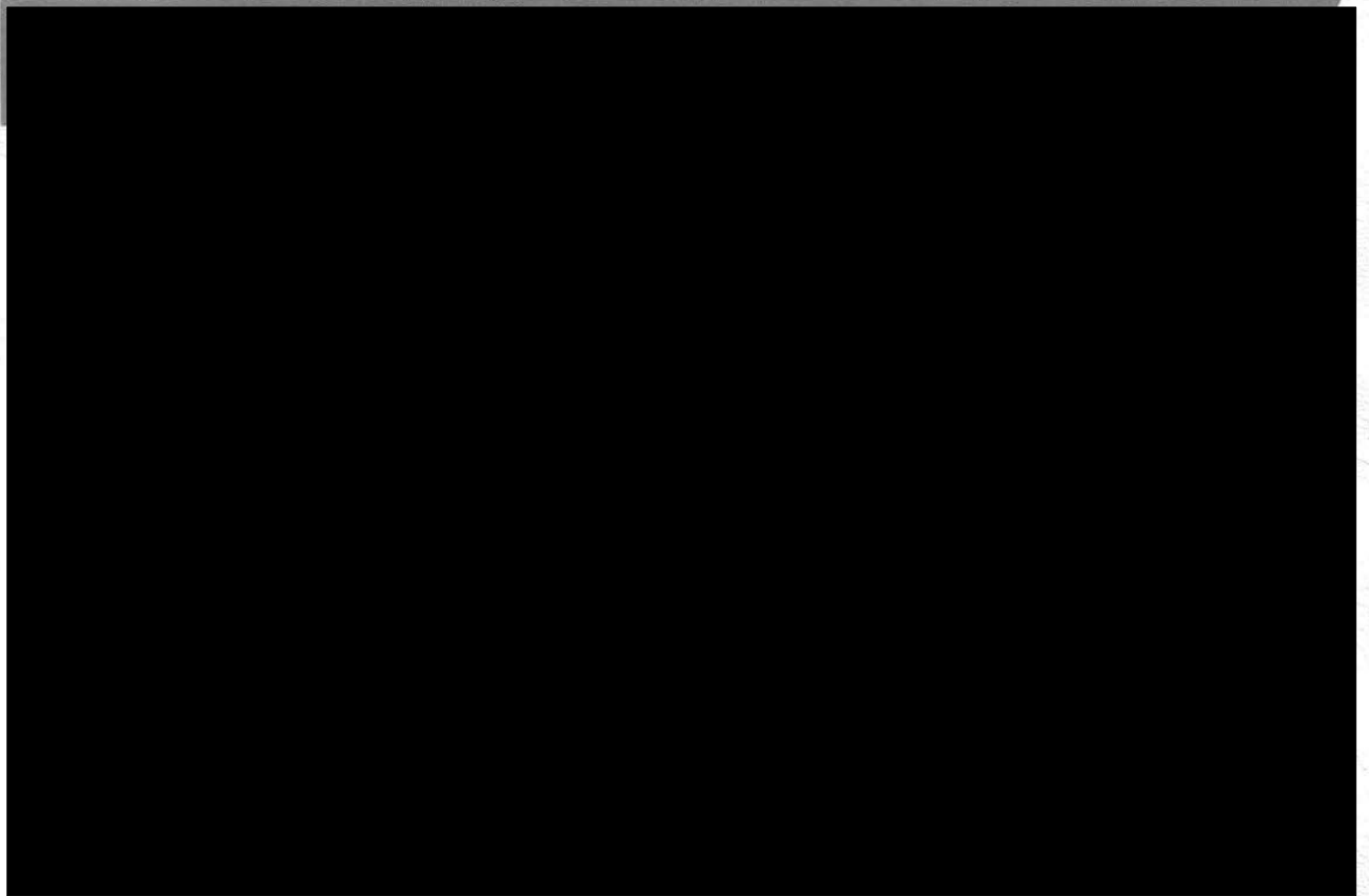
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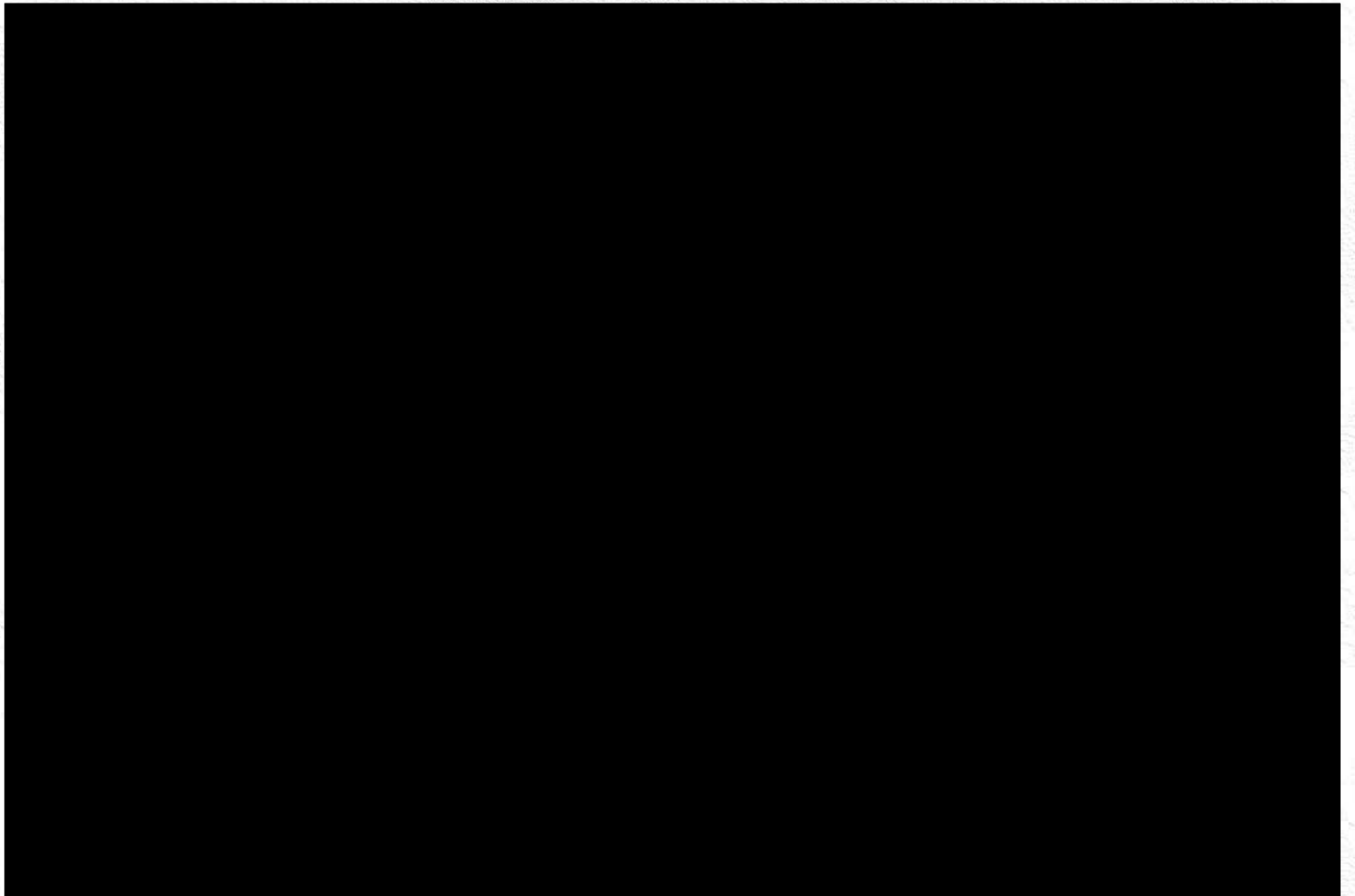


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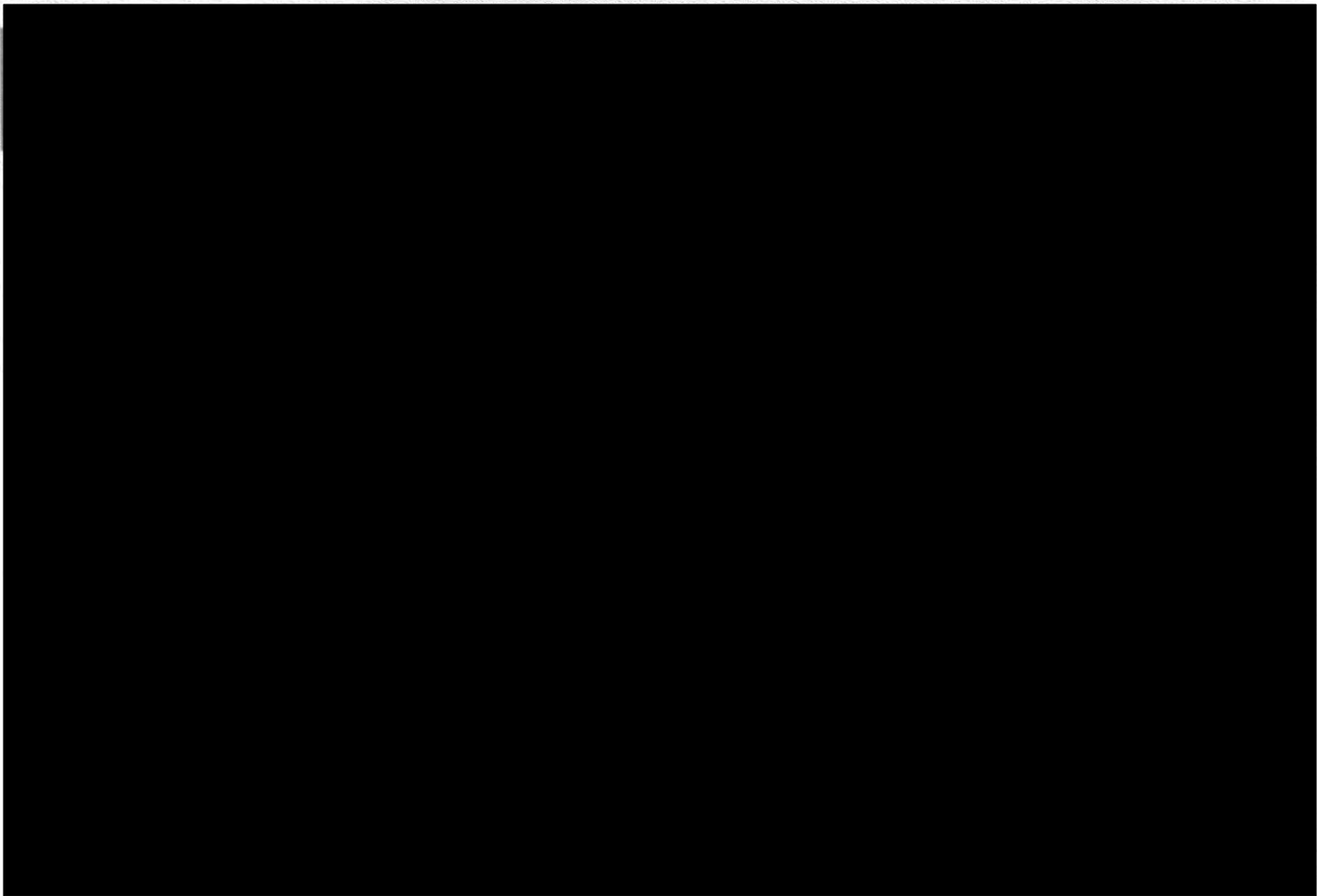
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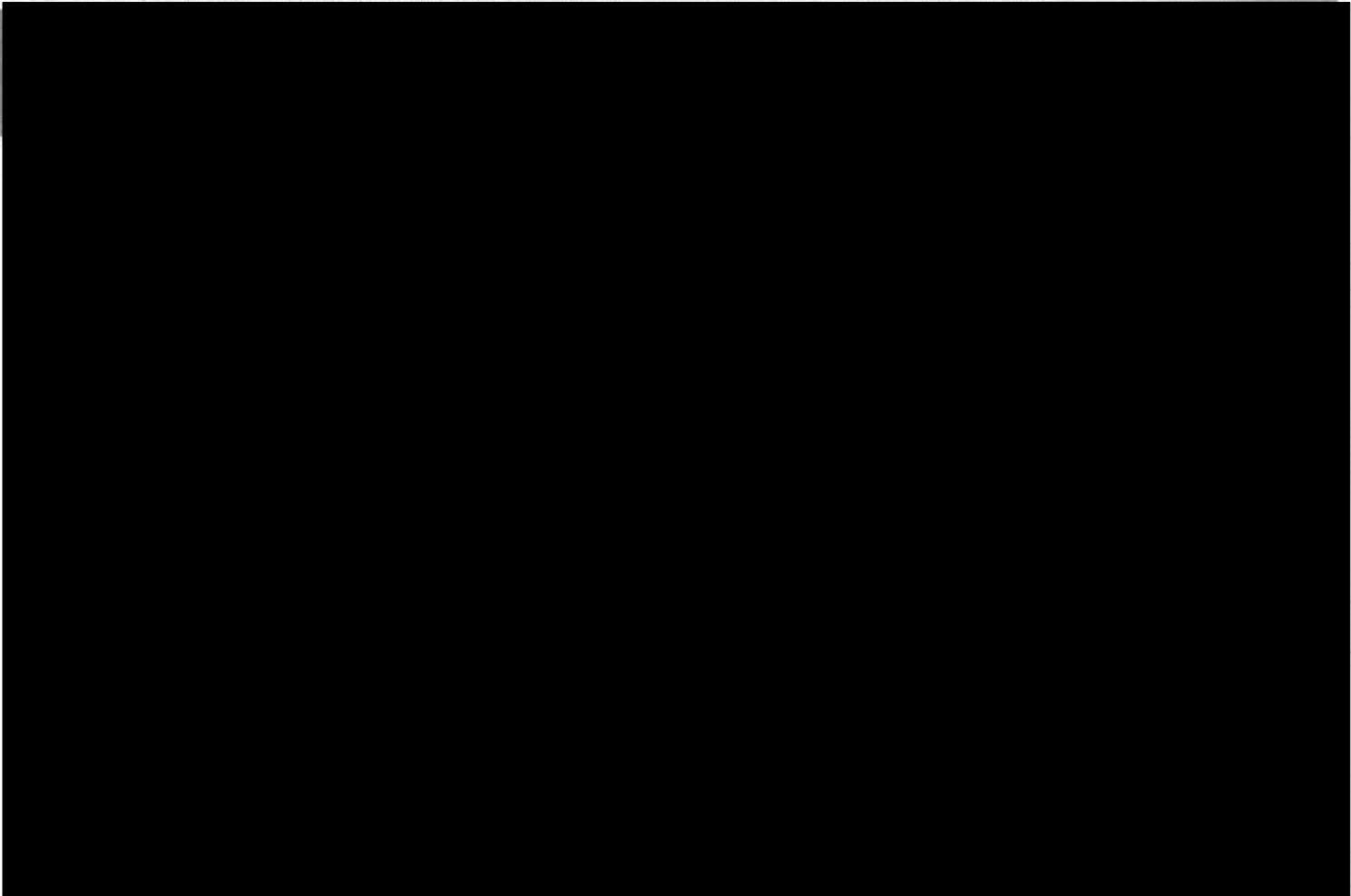












Formulary coverage



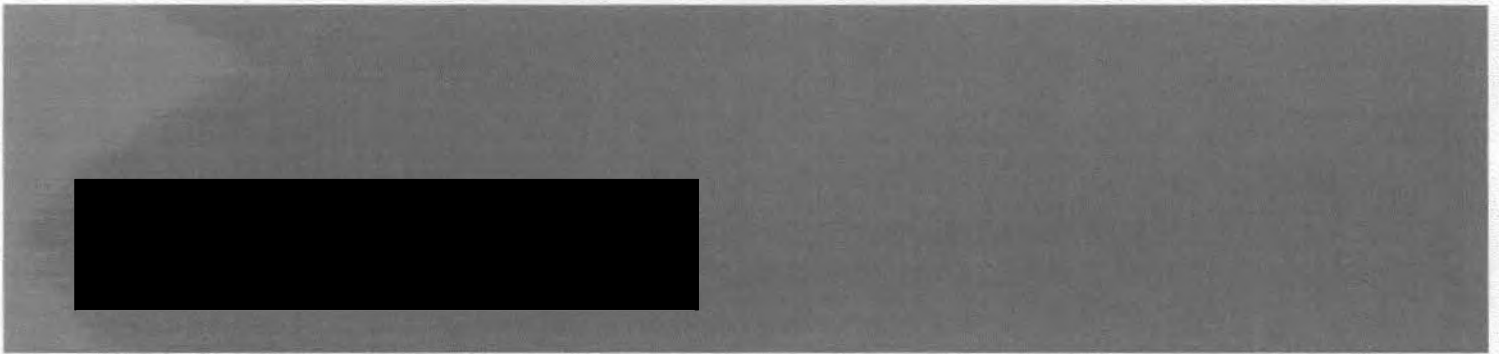
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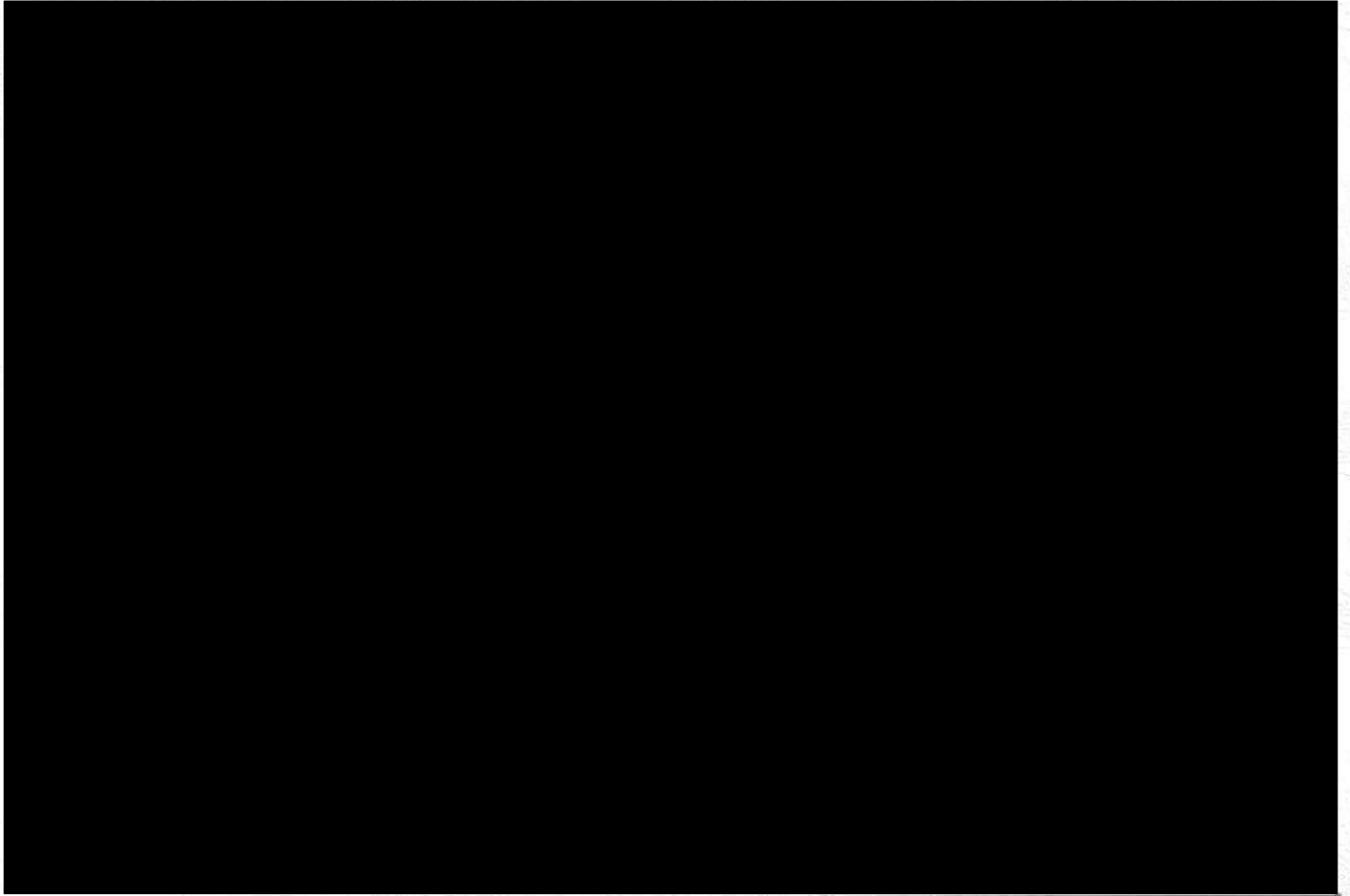
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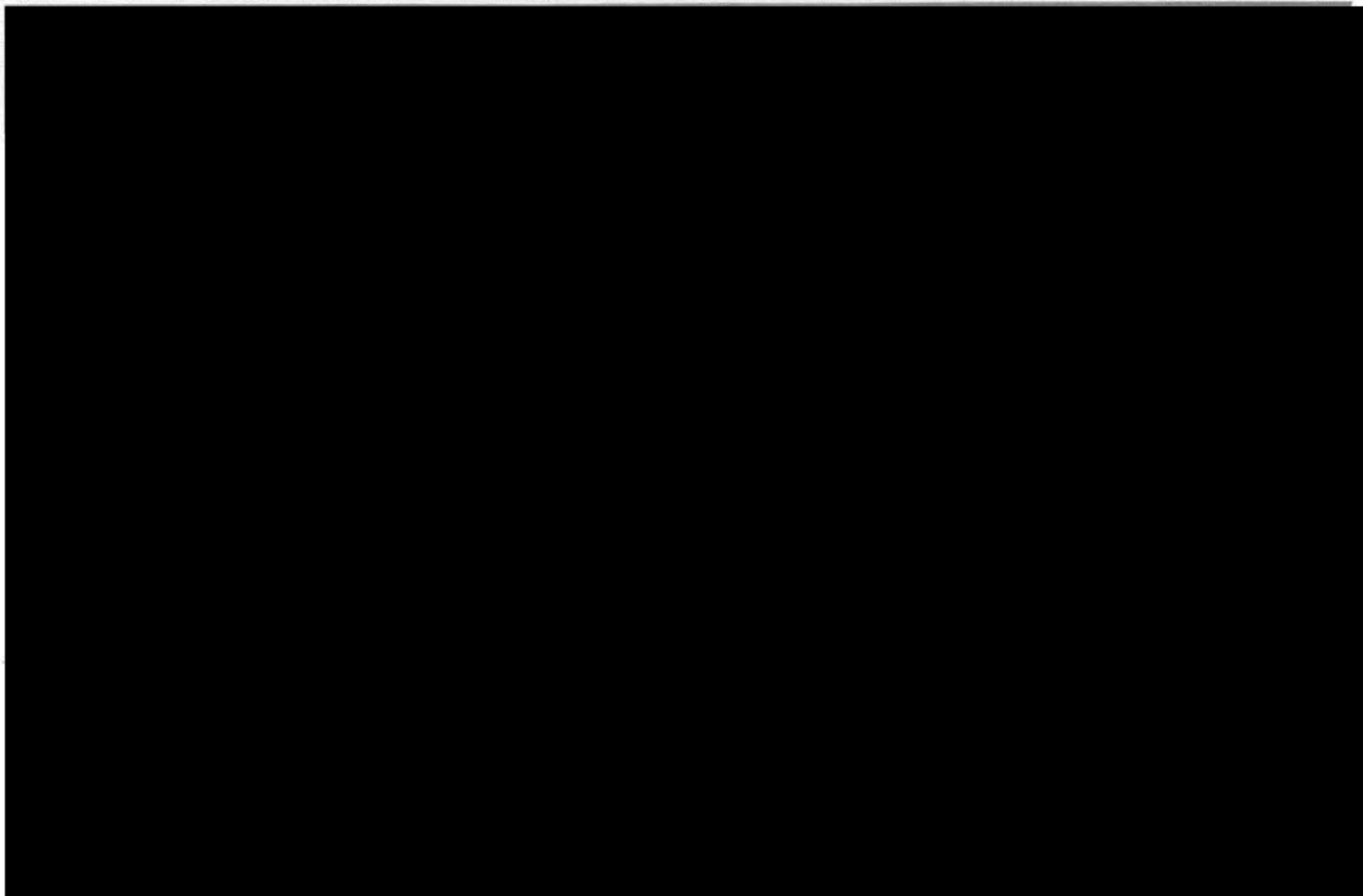


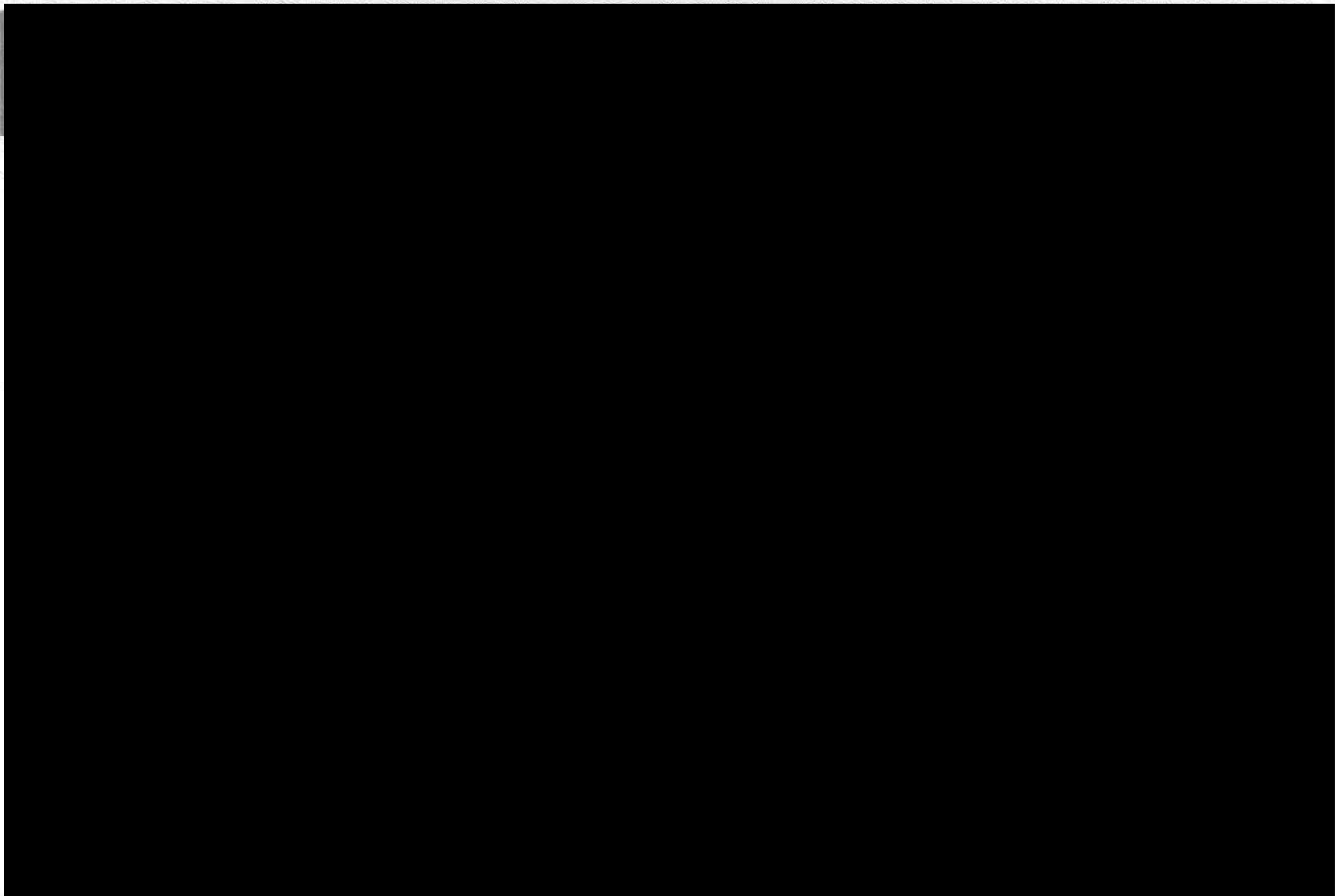
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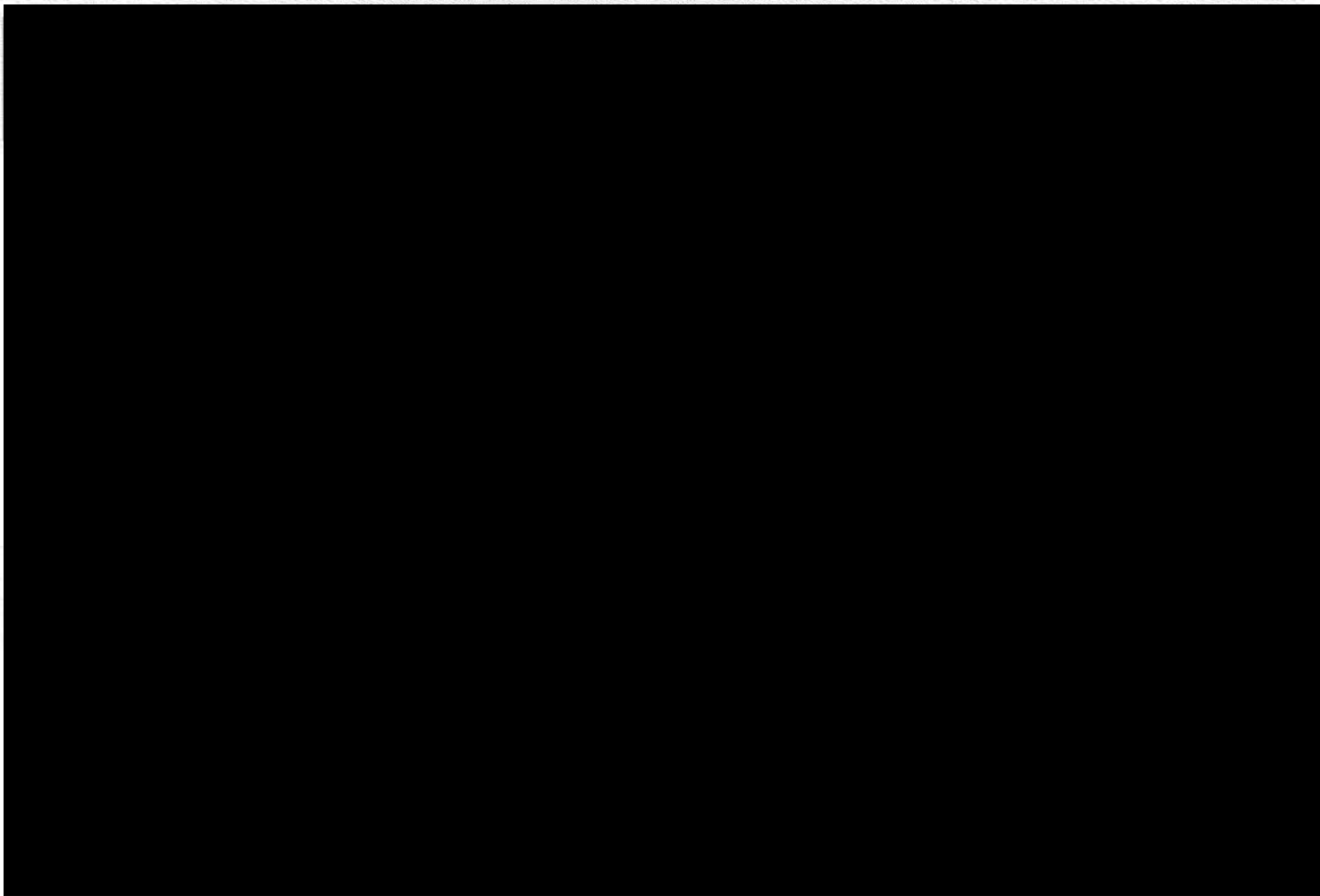
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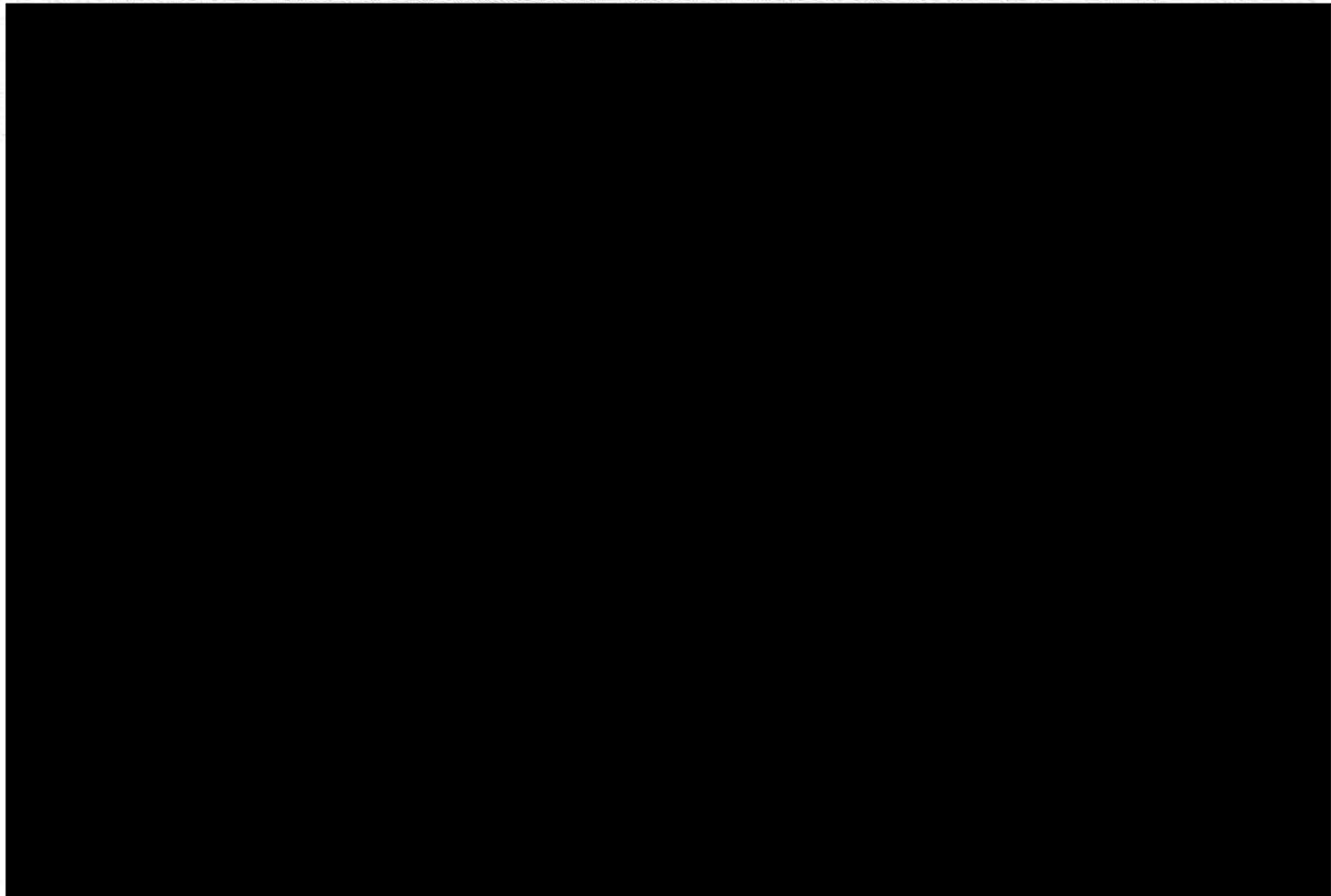
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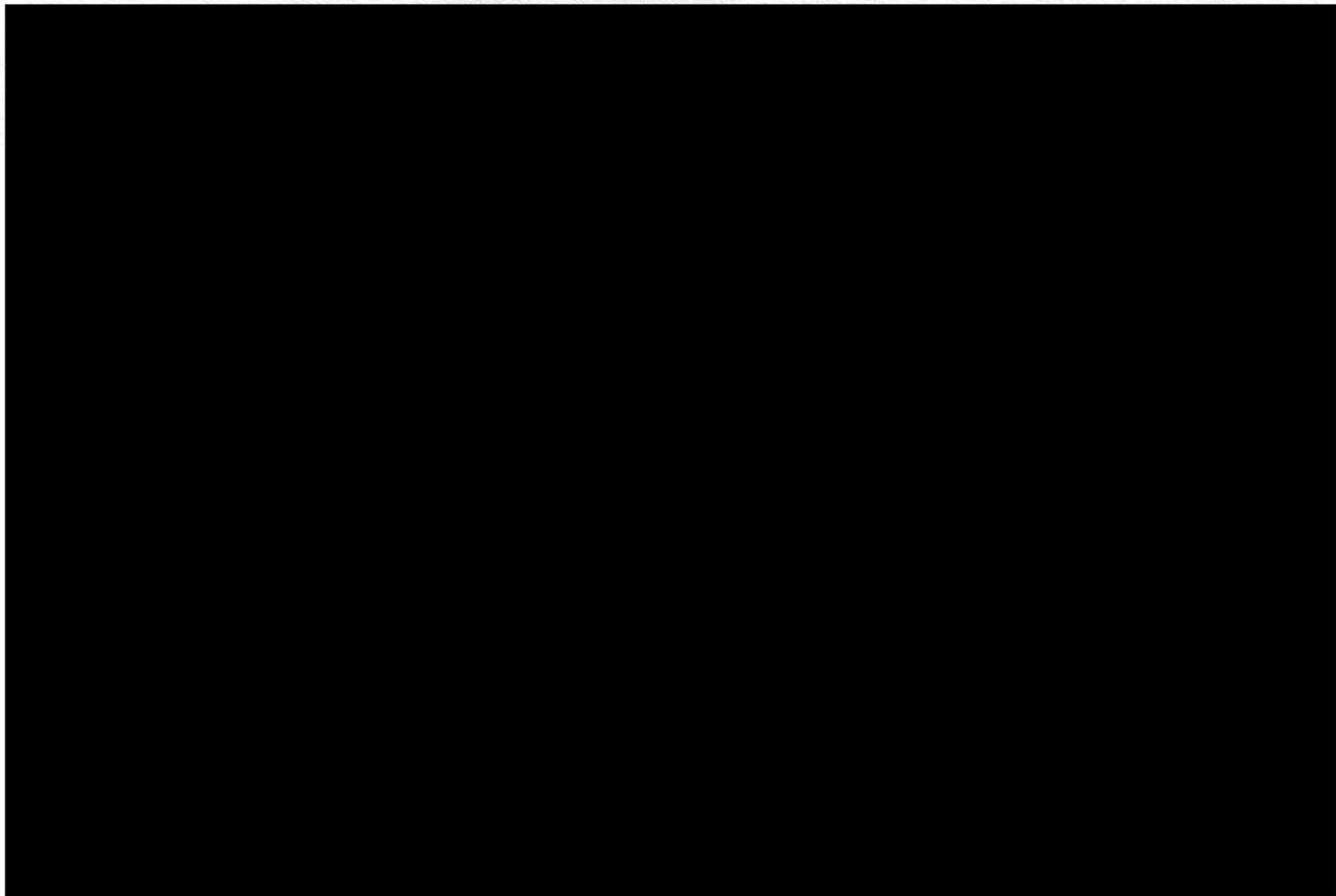
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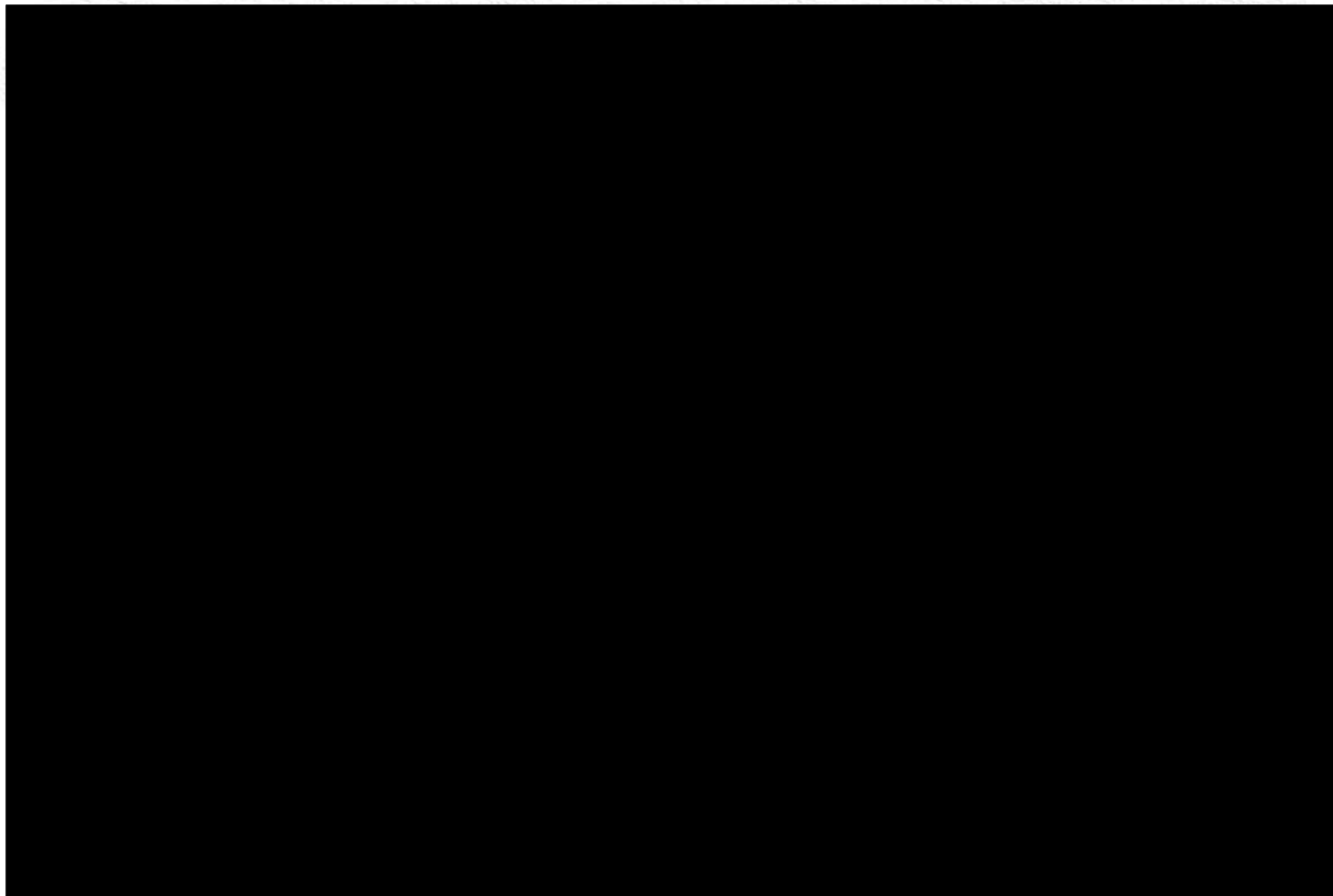


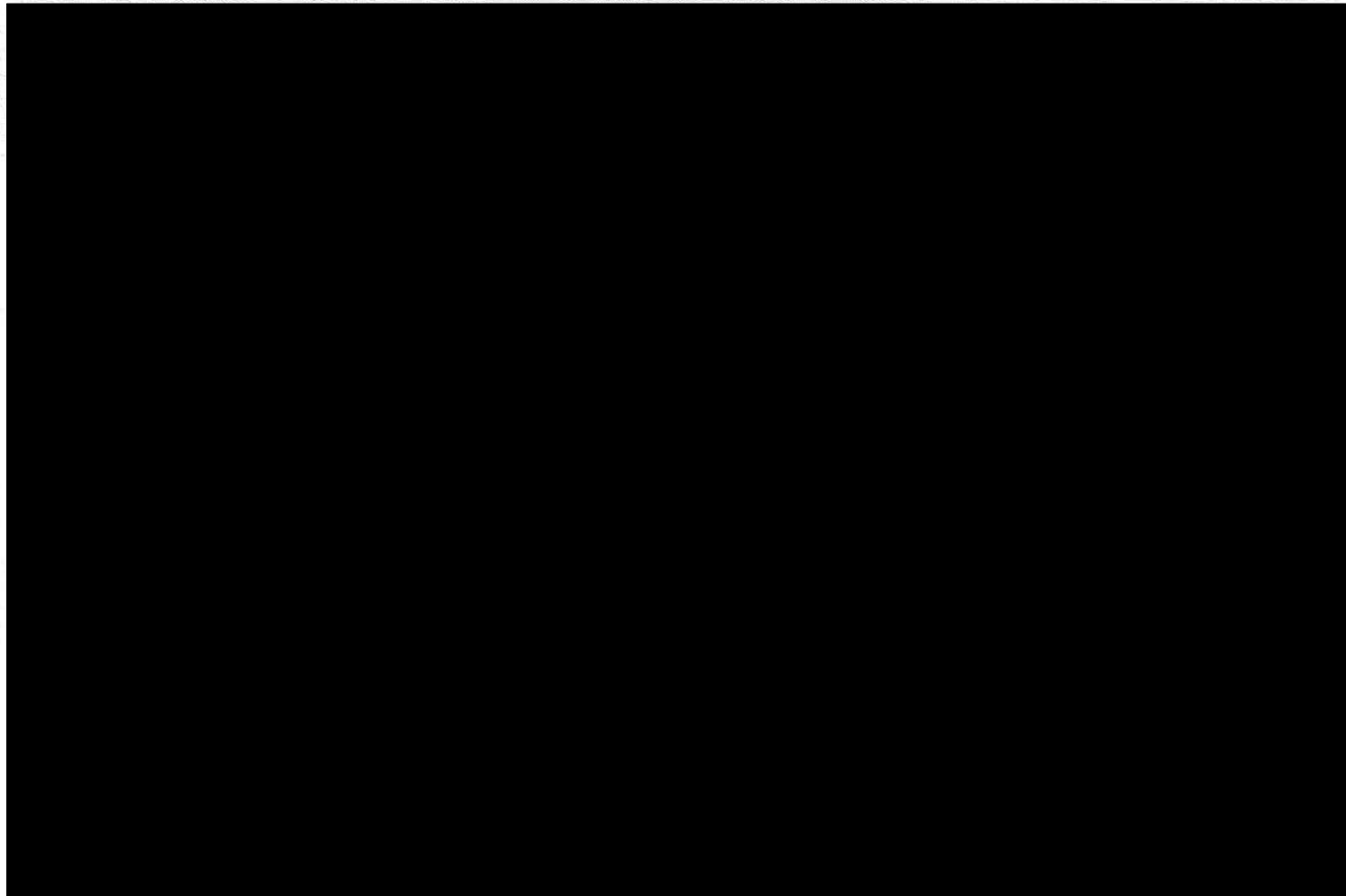


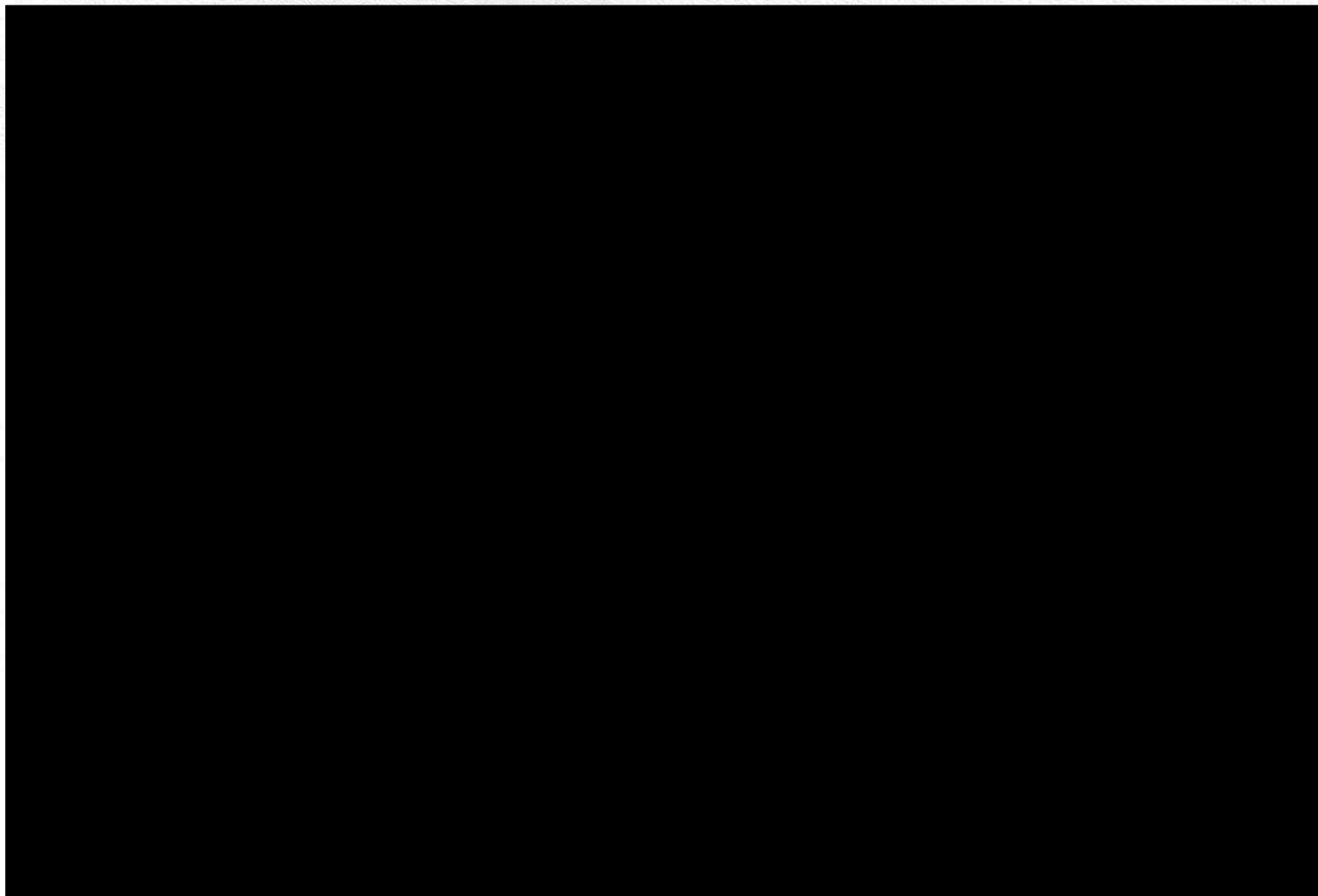










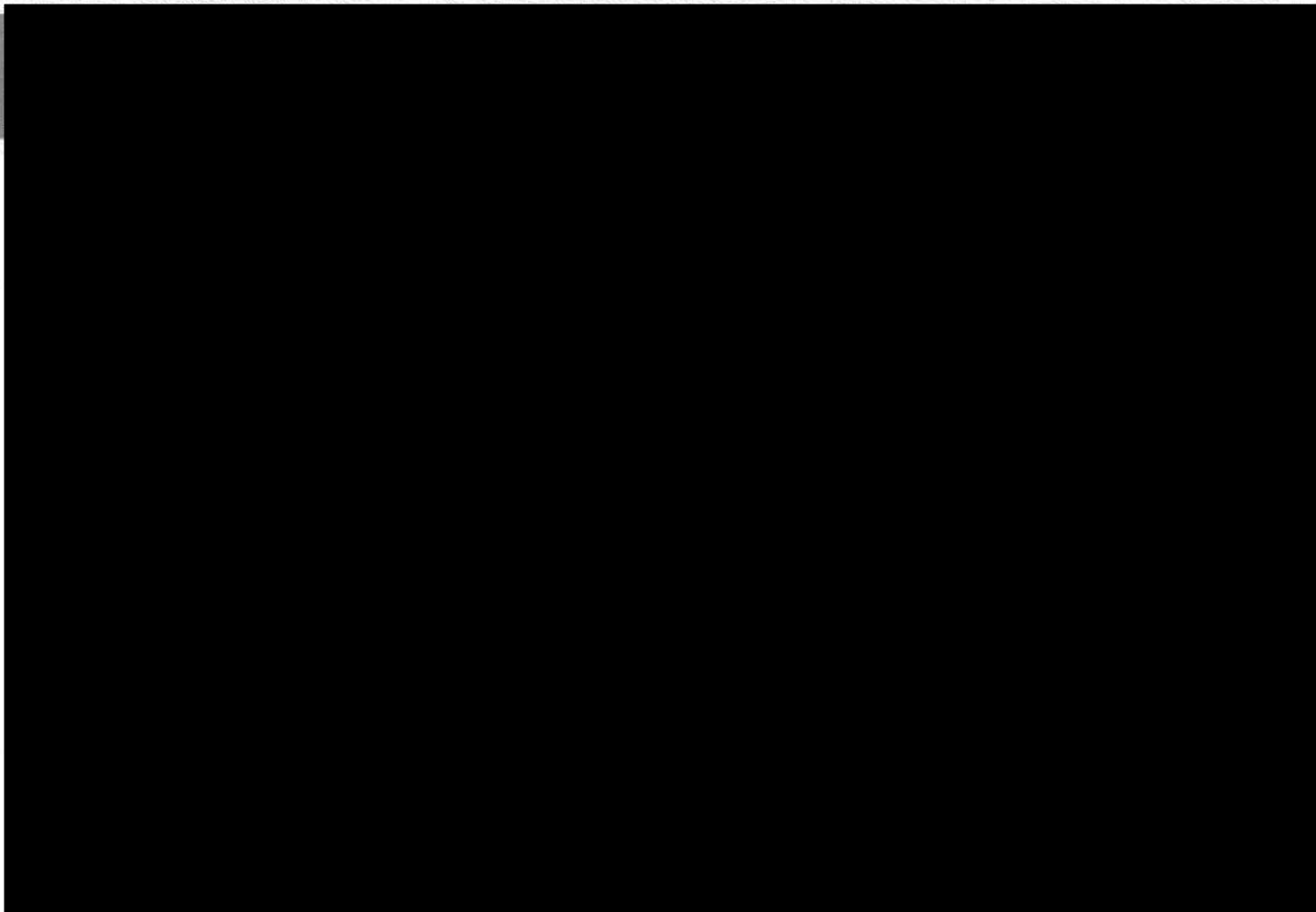


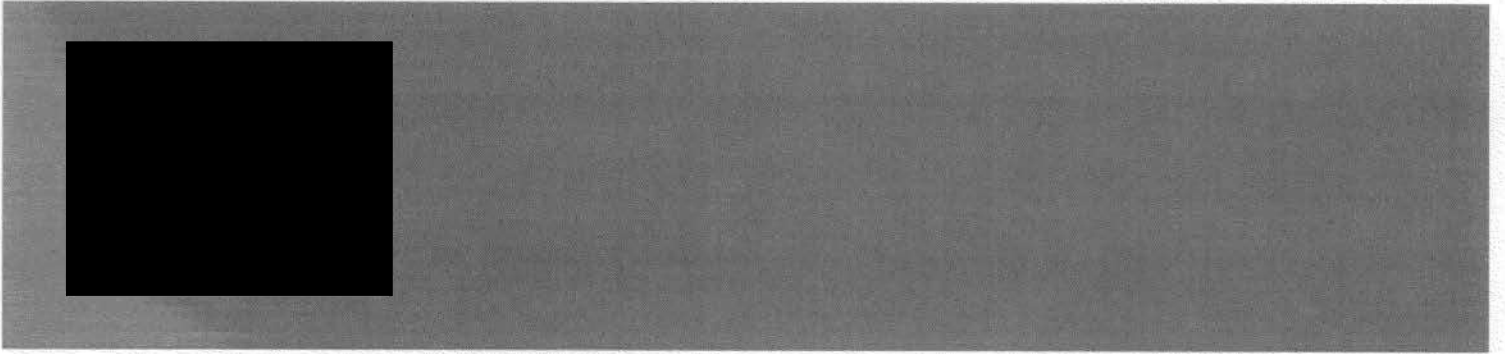
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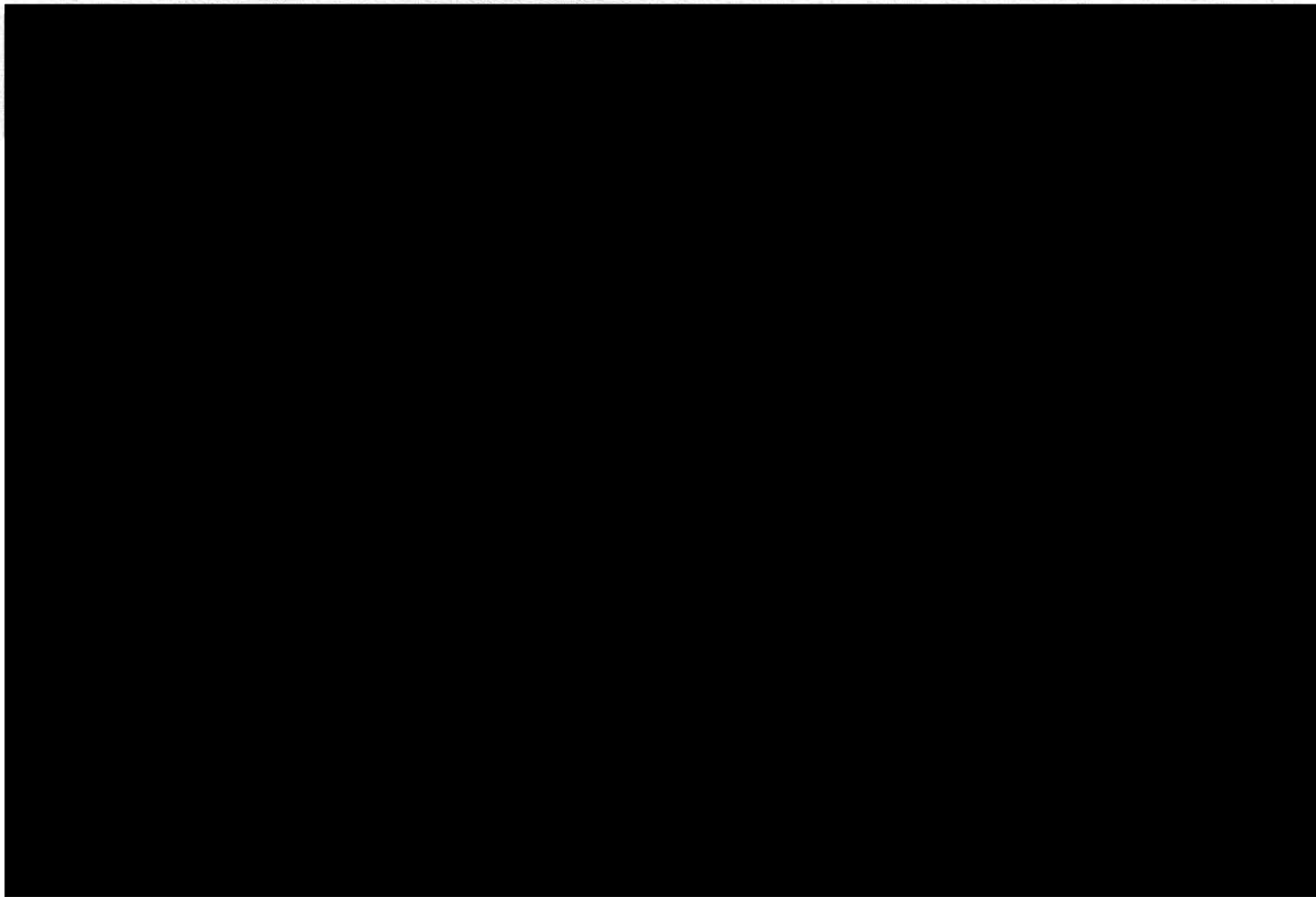
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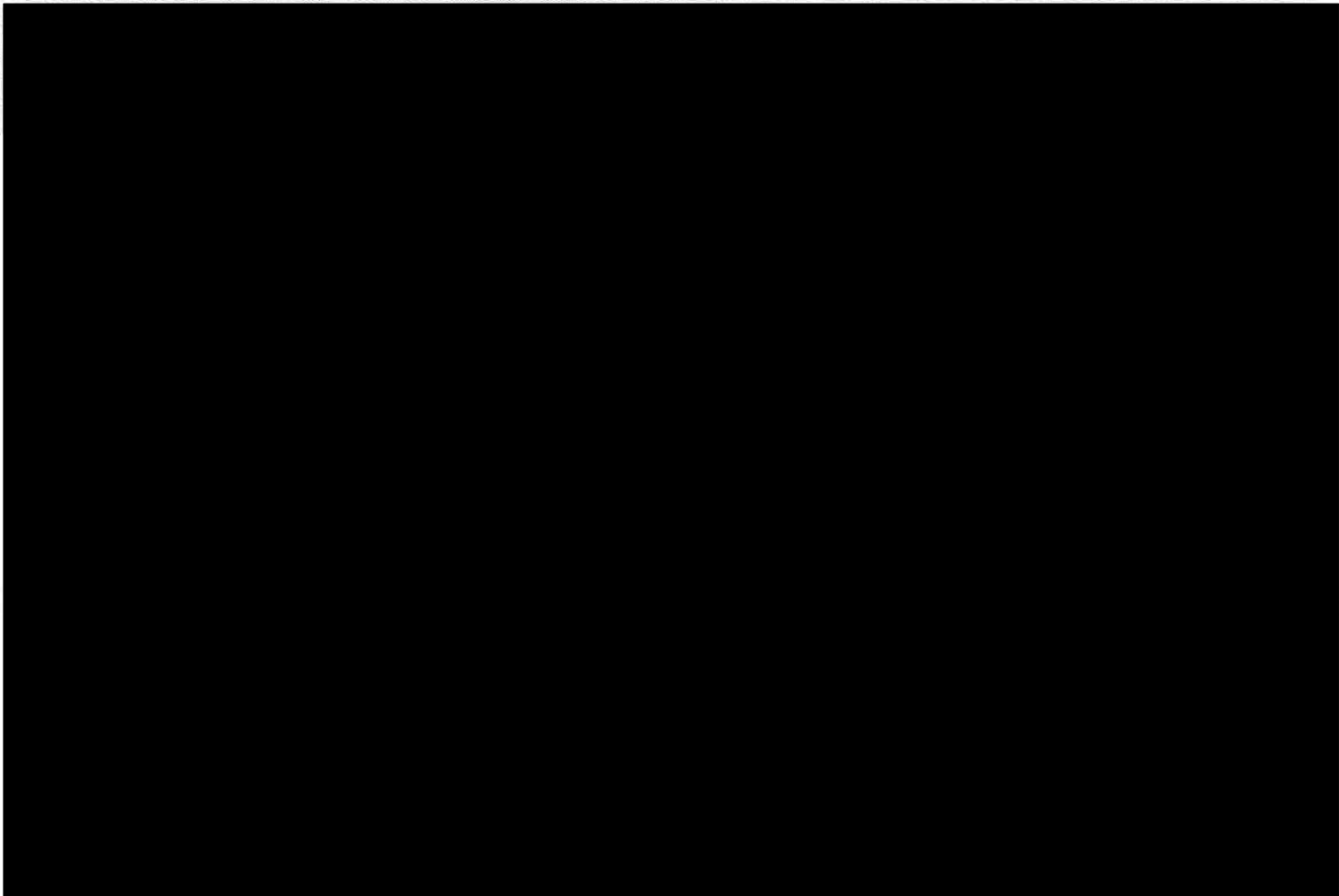


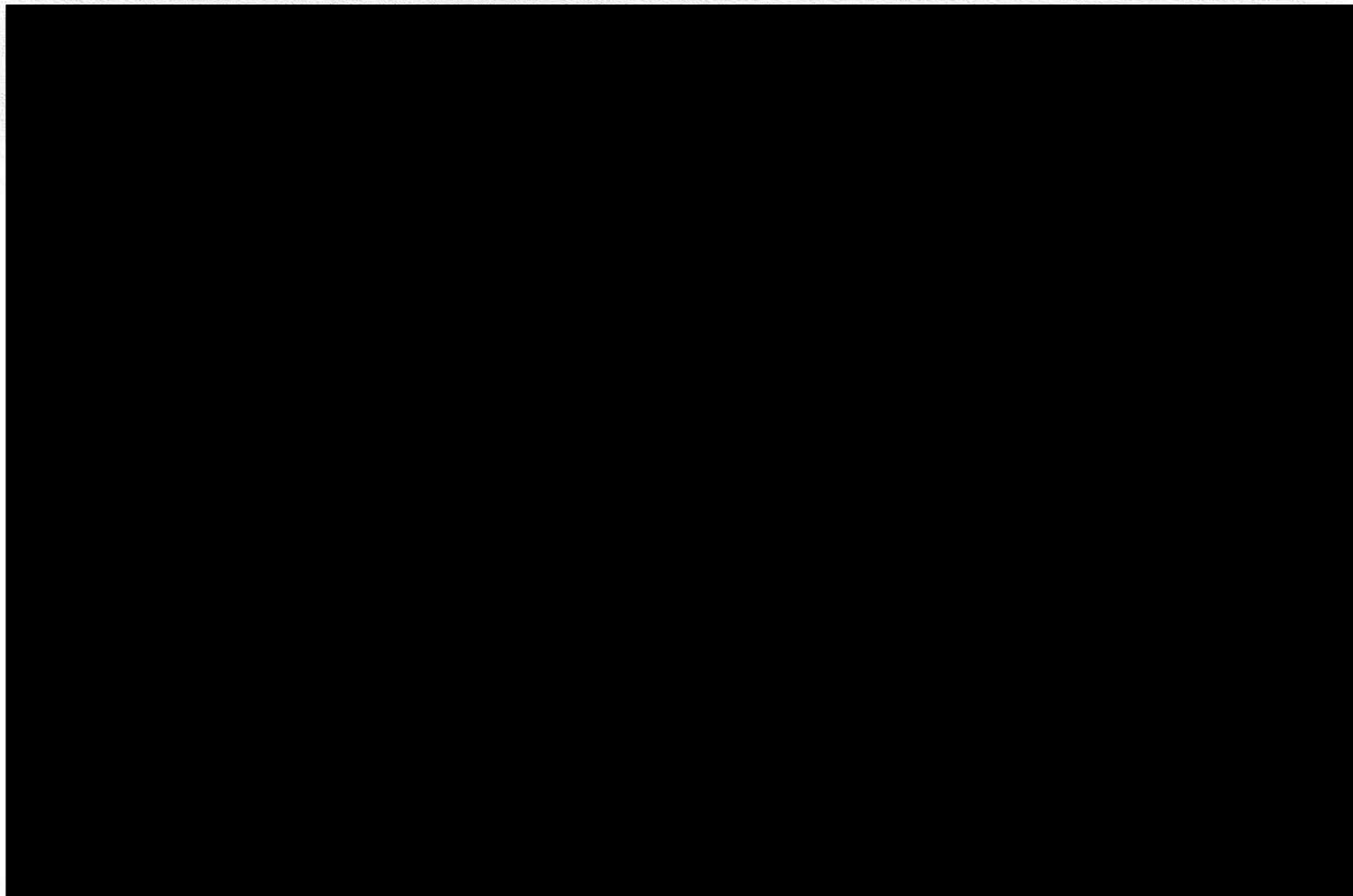
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FRX-AT-01775297









EXHIBIT

98

EXHIBIT 102

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From: Meury, William
Sent: Thur 10/10/2013 3:24:12 AM
Importance: Normal
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NamendaTransitionPlan1.ppt

Here is where we are right now.



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FRX-AT-01780928

Namenda IR & XR Conversion Plan

October 2013

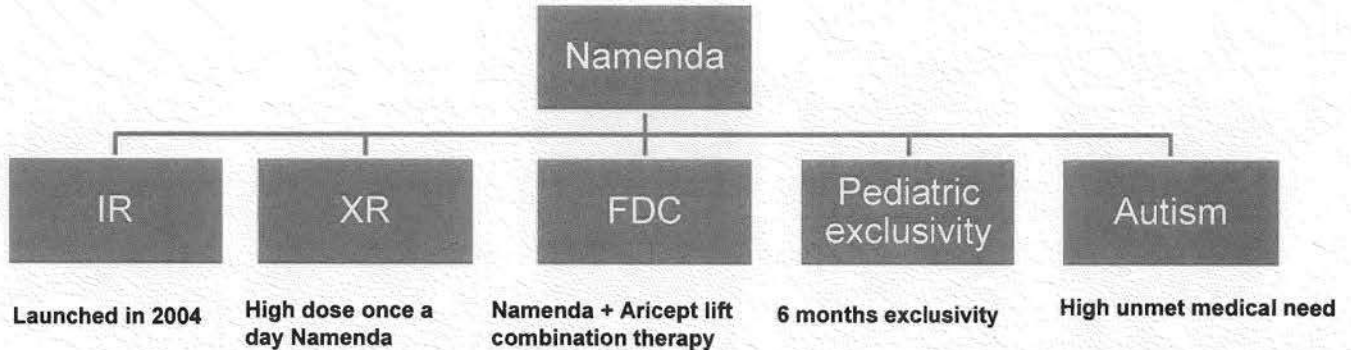
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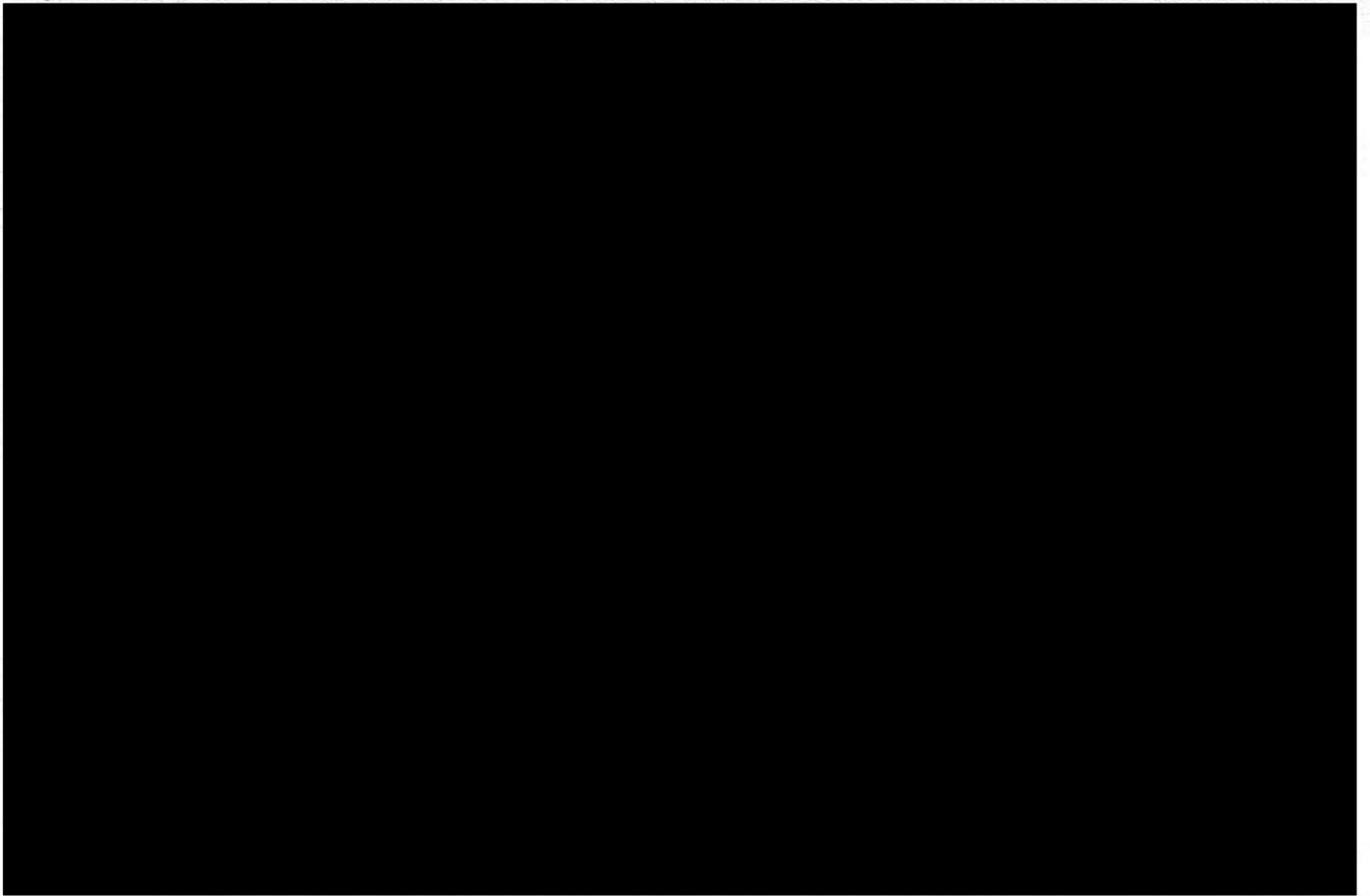
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Product line overview

- Namenda line consists of 3 different products, Namenda, Namenda XR, and Namenda FDC (memantine + donepezil)
- Exclusivity on IR is projected to July 2015 (includes pediatric exclusivity); [REDACTED]

[REDACTED]



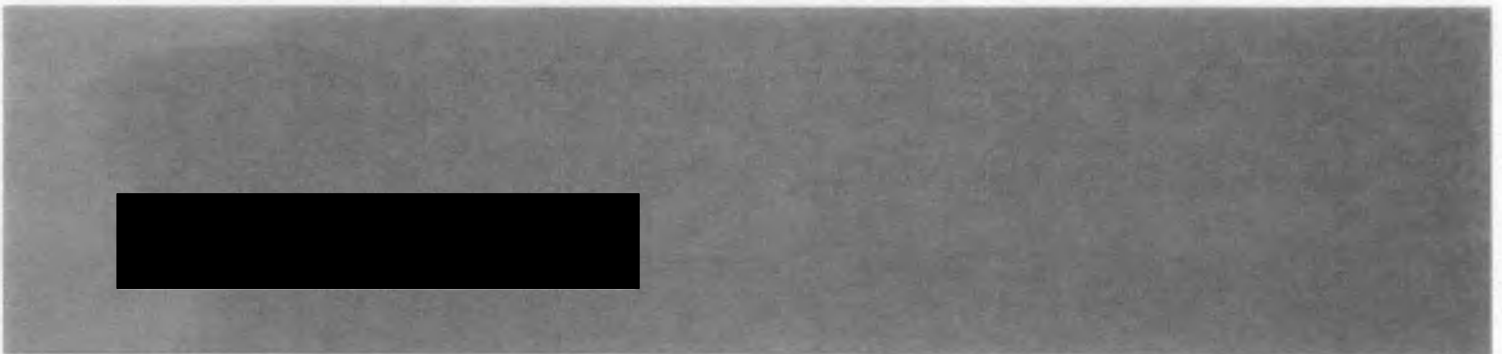


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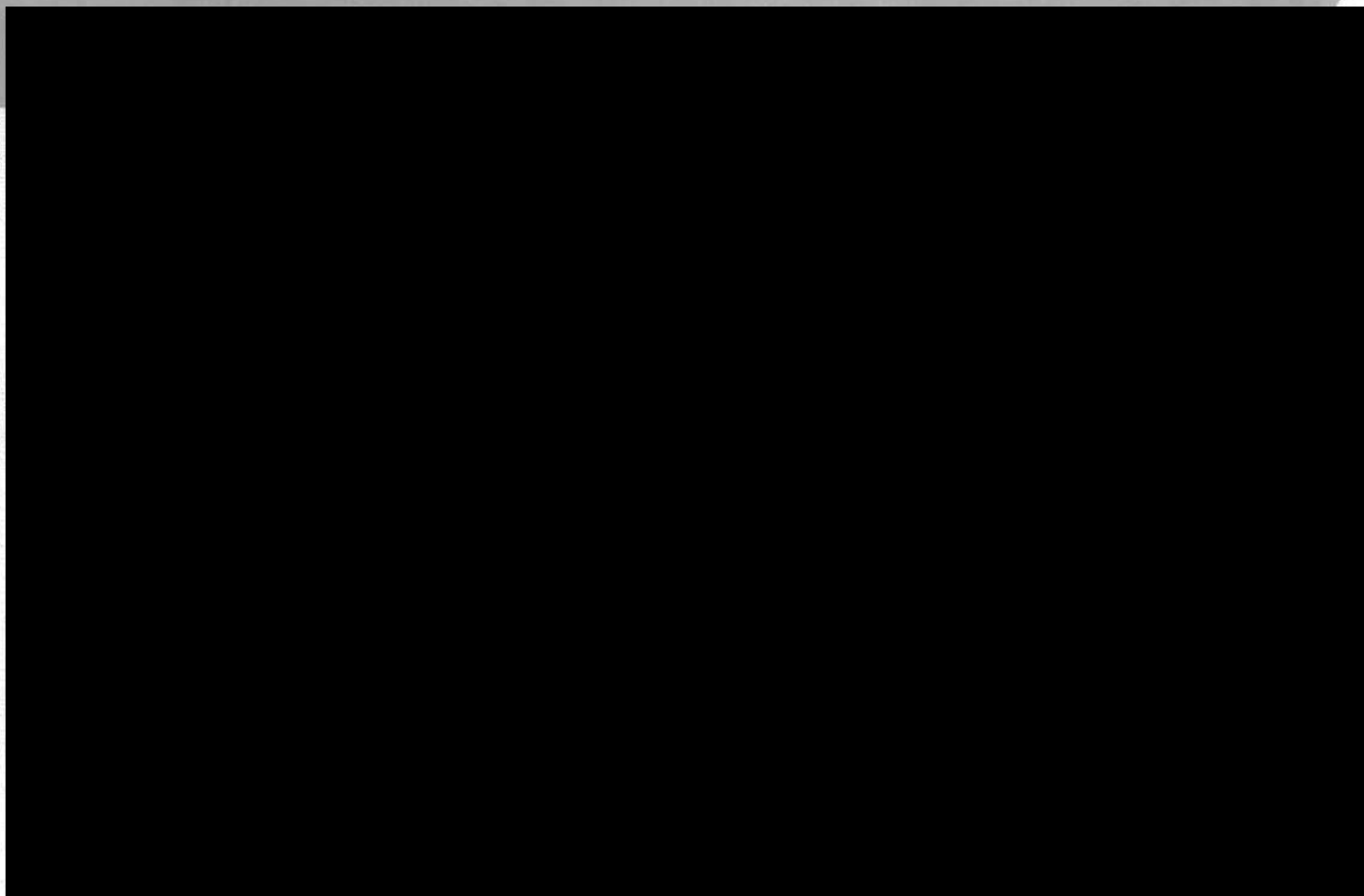
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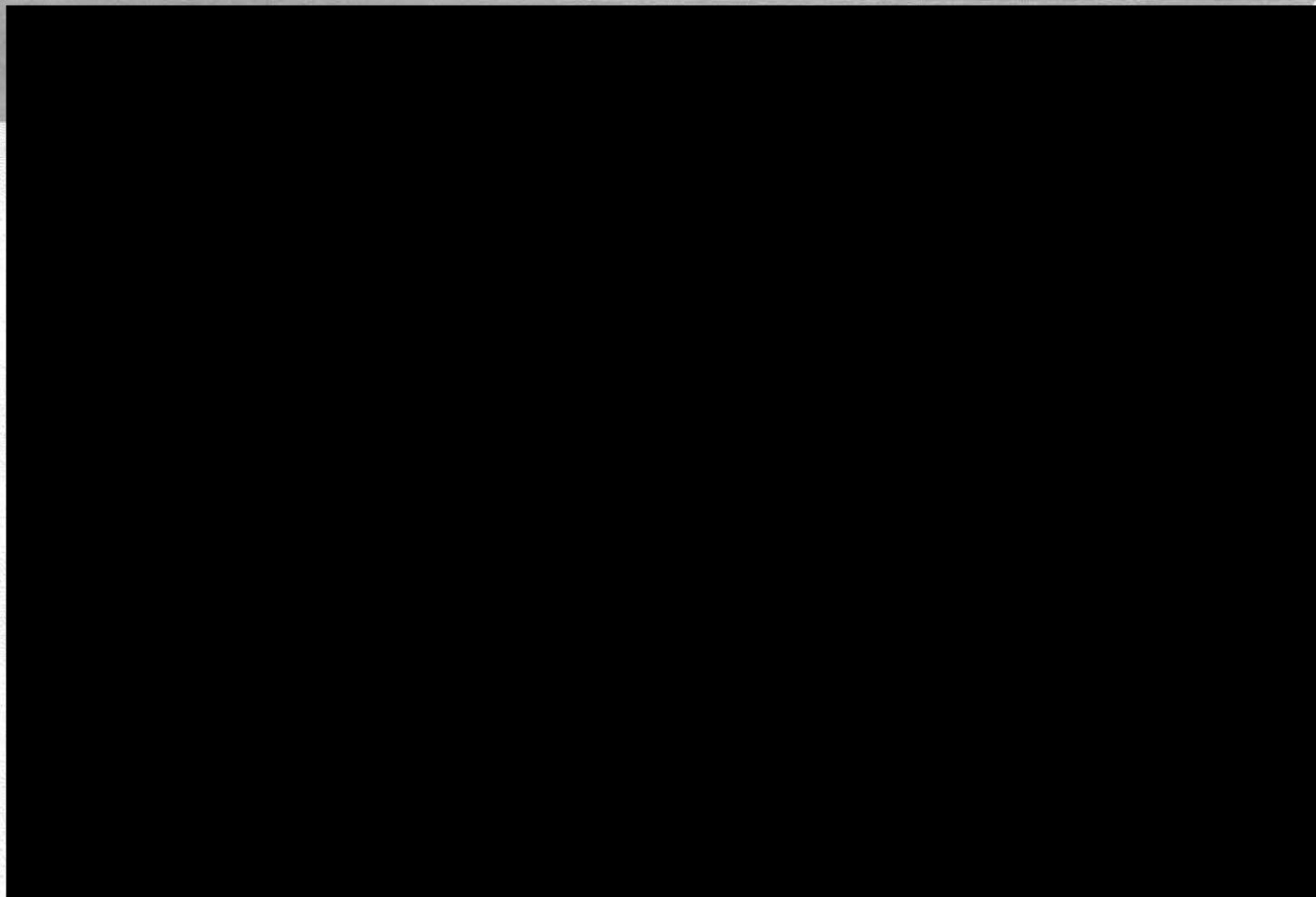
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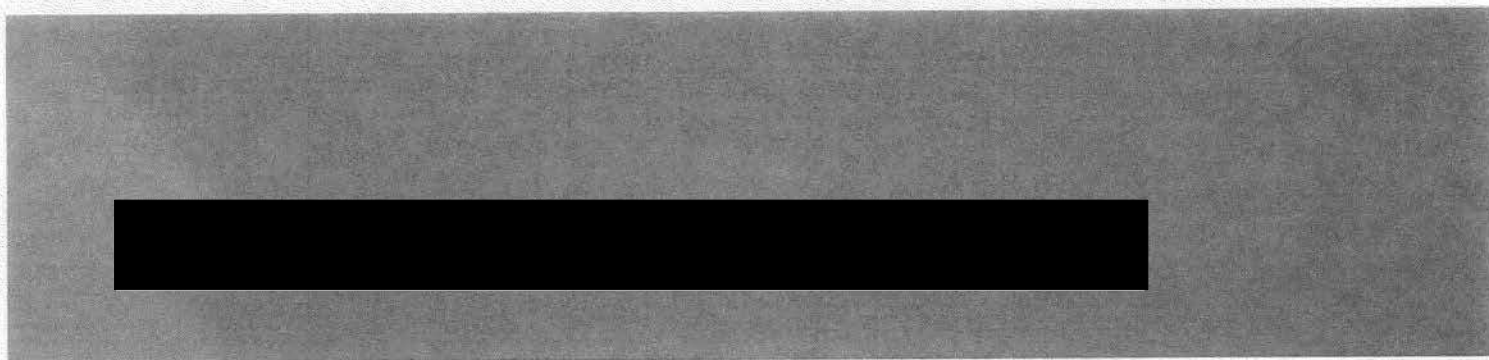
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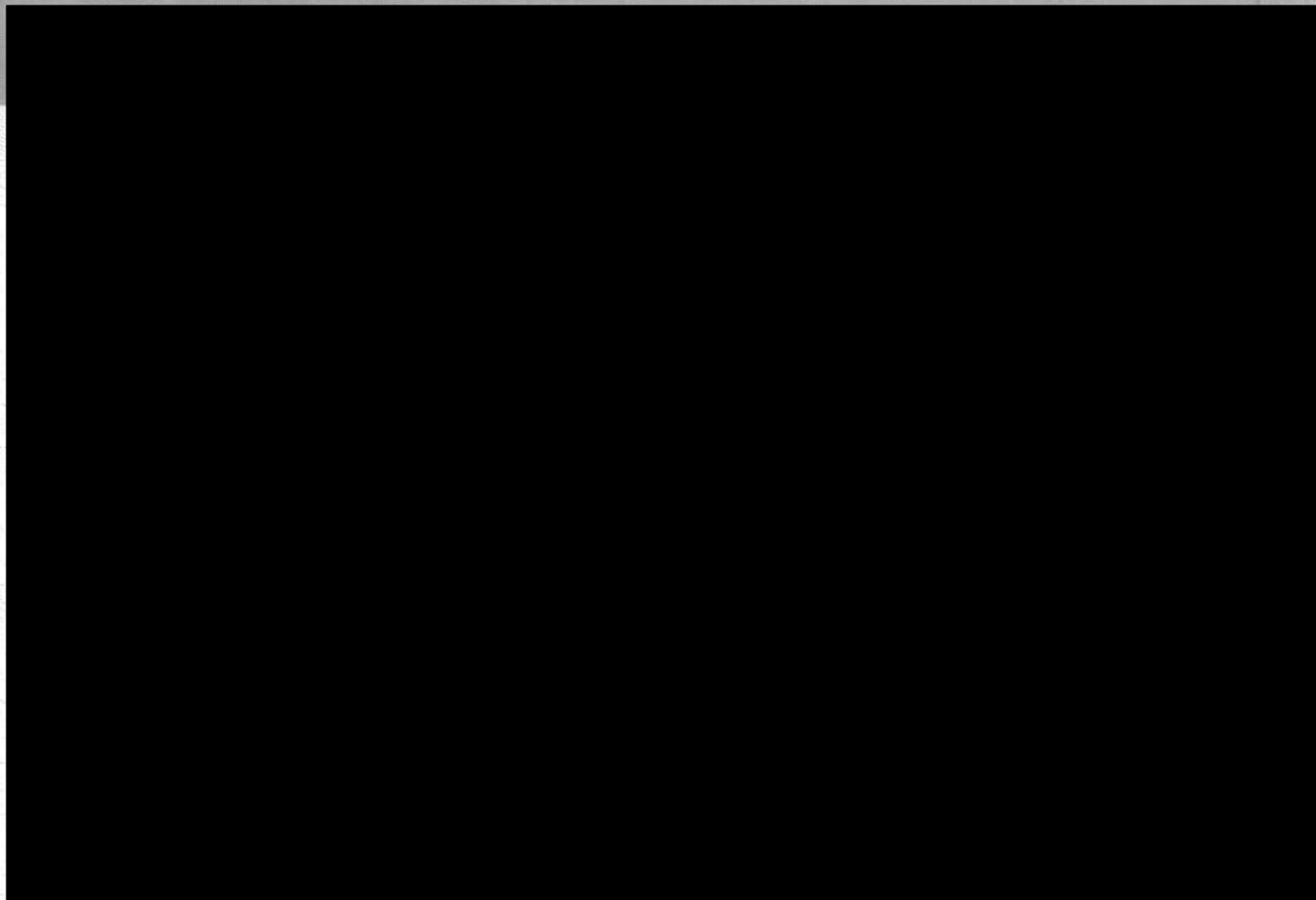






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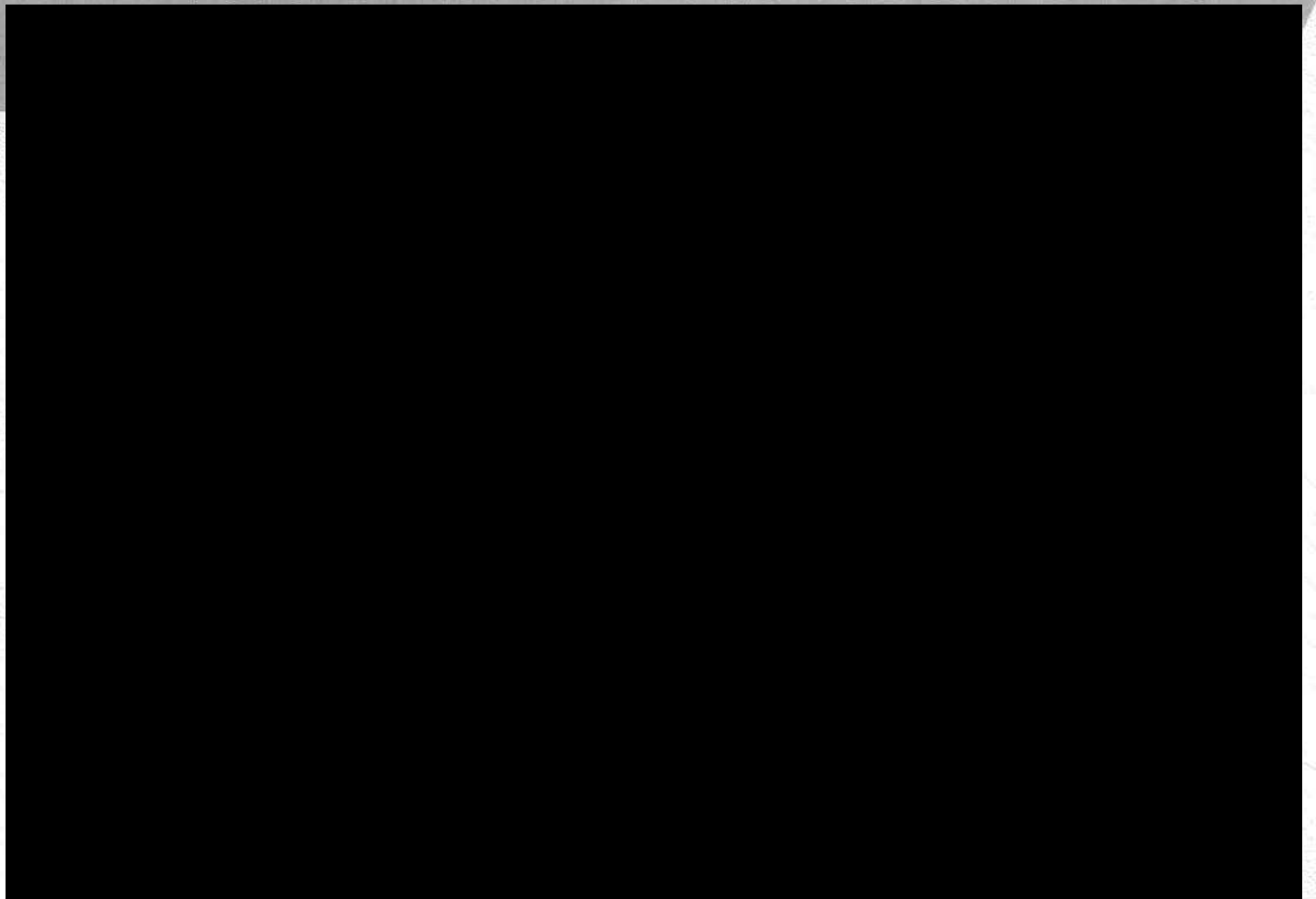


 Forest Laboratories, Inc.

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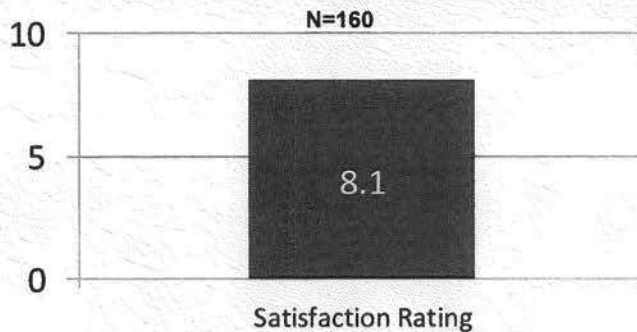
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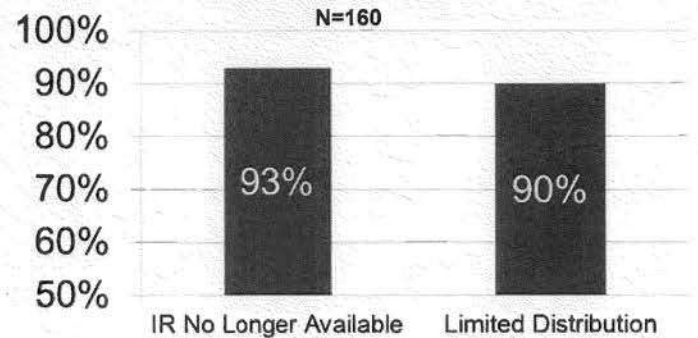


MDs satisfied with XR

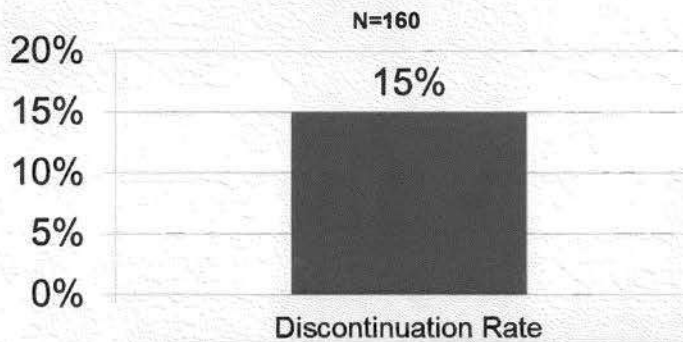
Namenda XR Satisfaction Rating (1=not satisfied and 10= extremely satisfied)



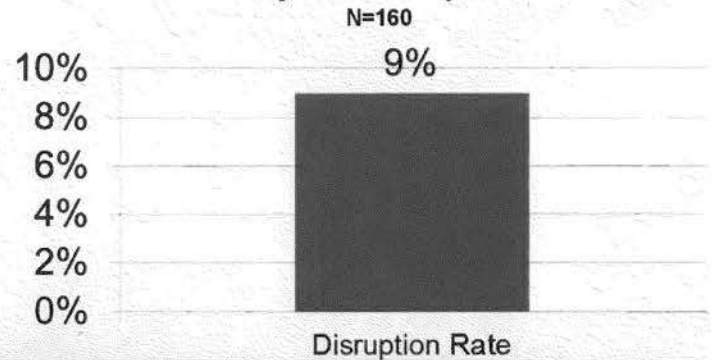
% of MDs rating scenario acceptable to extremely acceptable



XR Discontinuation Rate

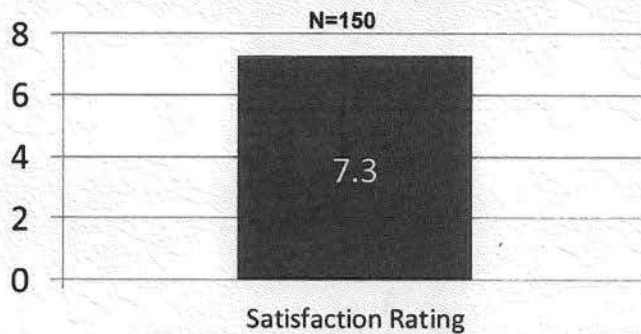


Projected Disruption Rate

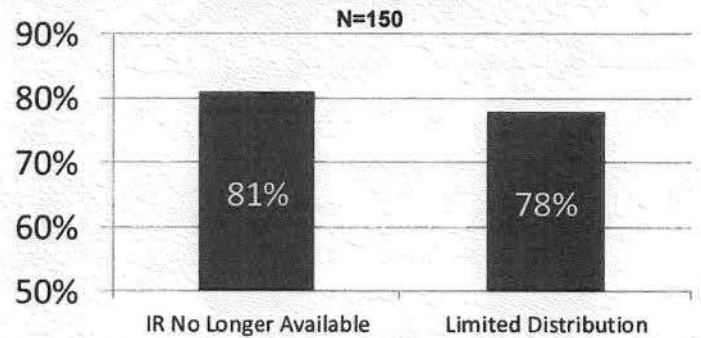


Caregivers satisfied with XR

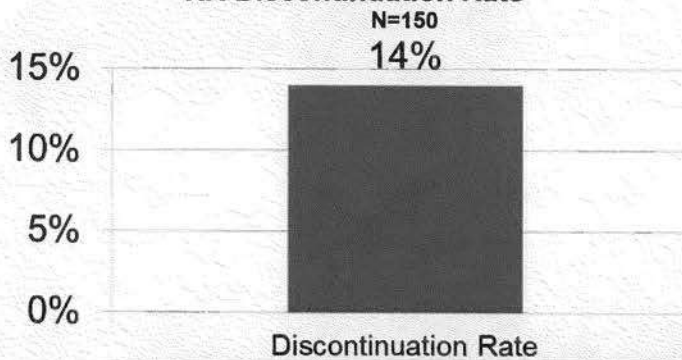
Namenda XR Satisfaction Rating (1=not satisfied and 10=extremely satisfied)



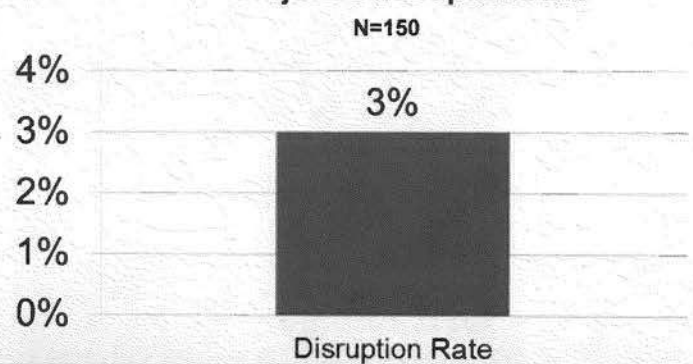
% of Caregivers rating scenario acceptable to extremely acceptable



XR Discontinuation Rate



Projected Disruption Rate

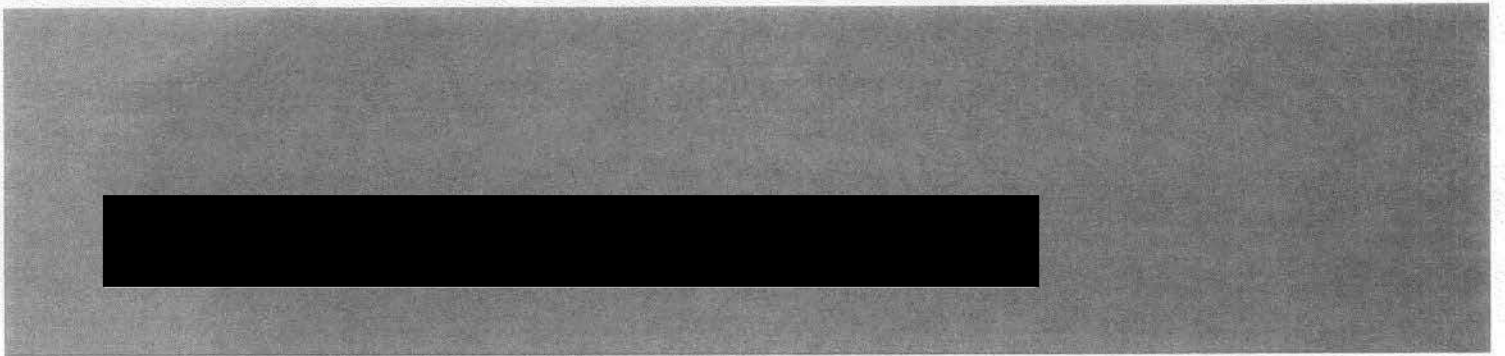


Forest Laboratories, Inc.

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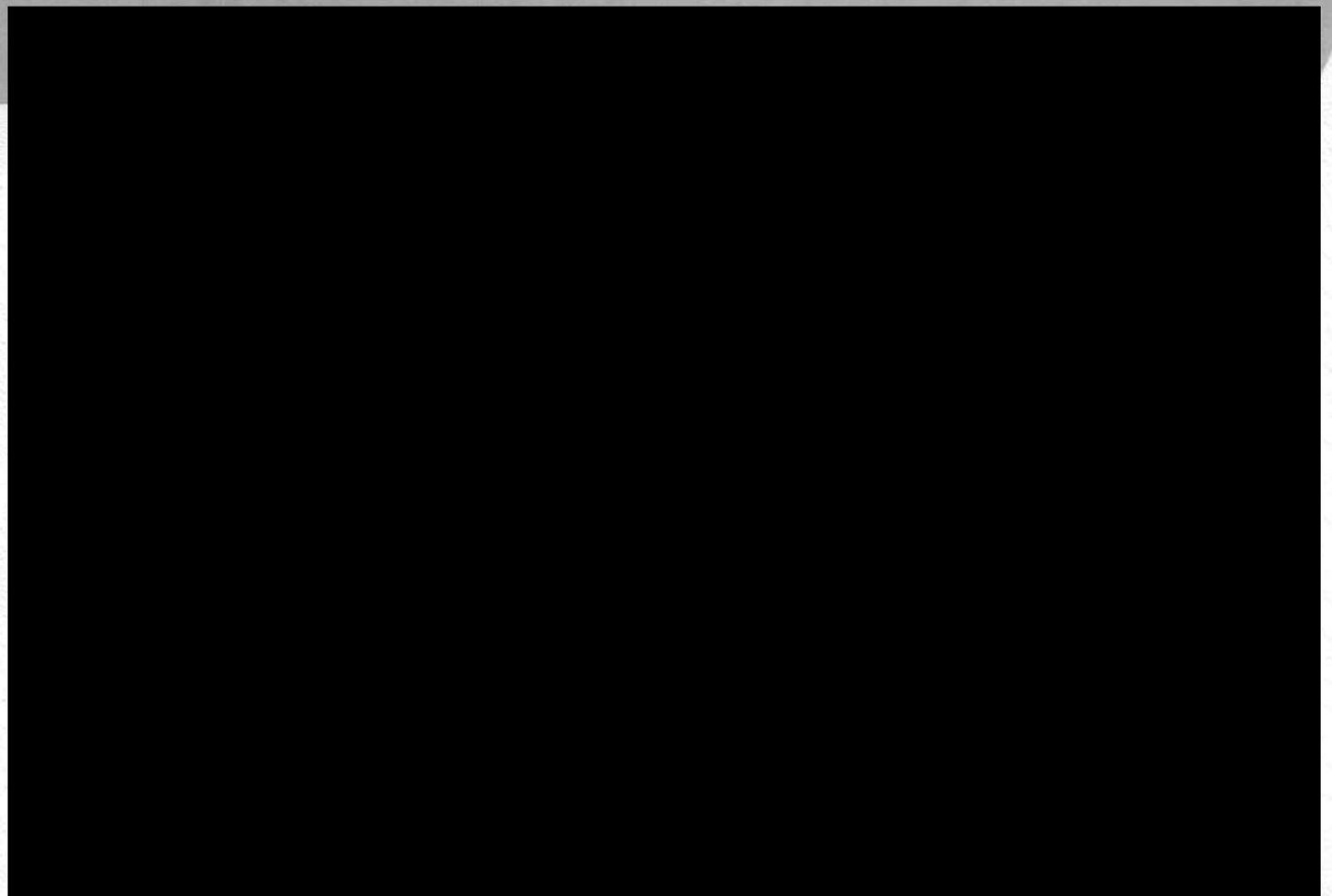
Pharmacy Research

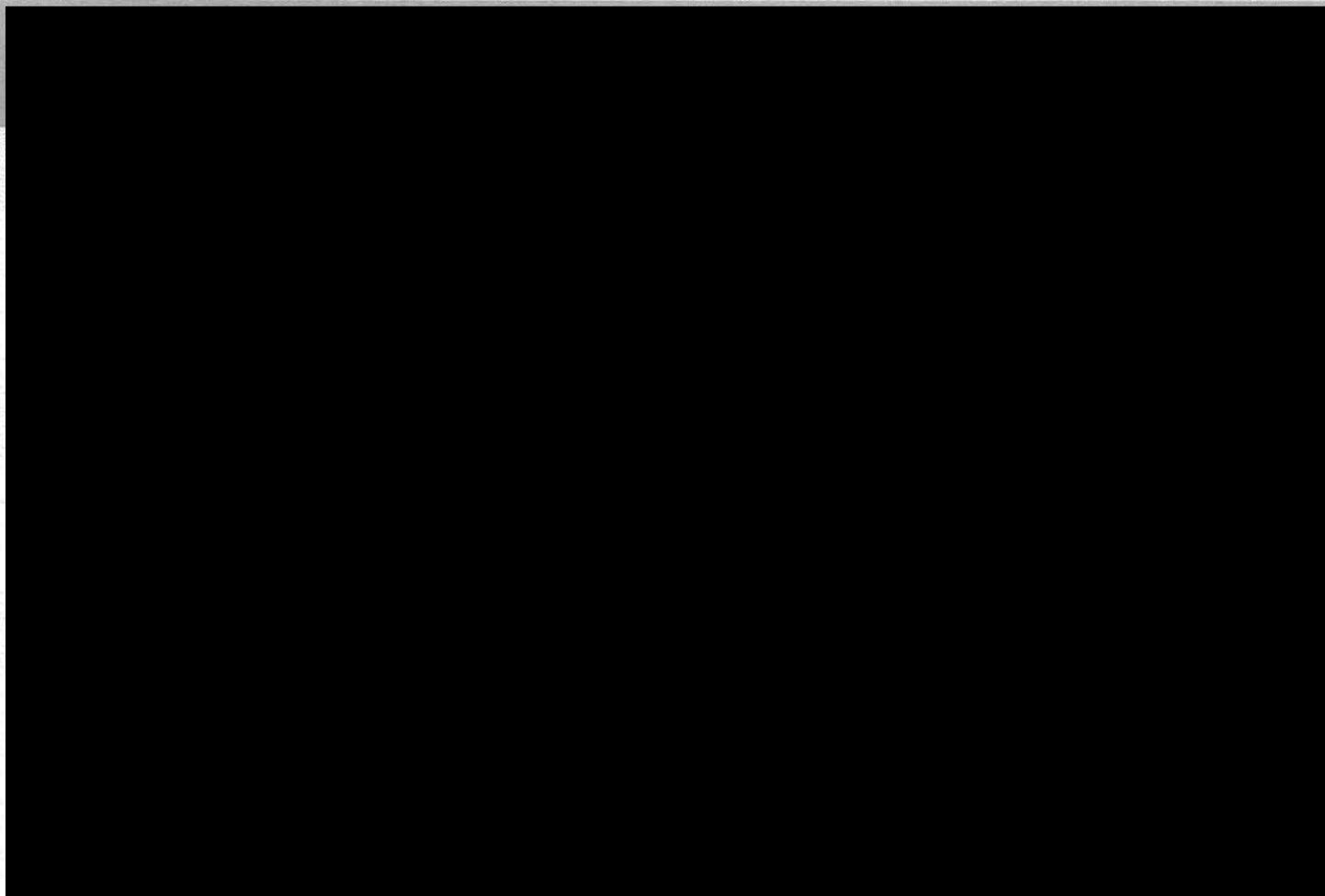
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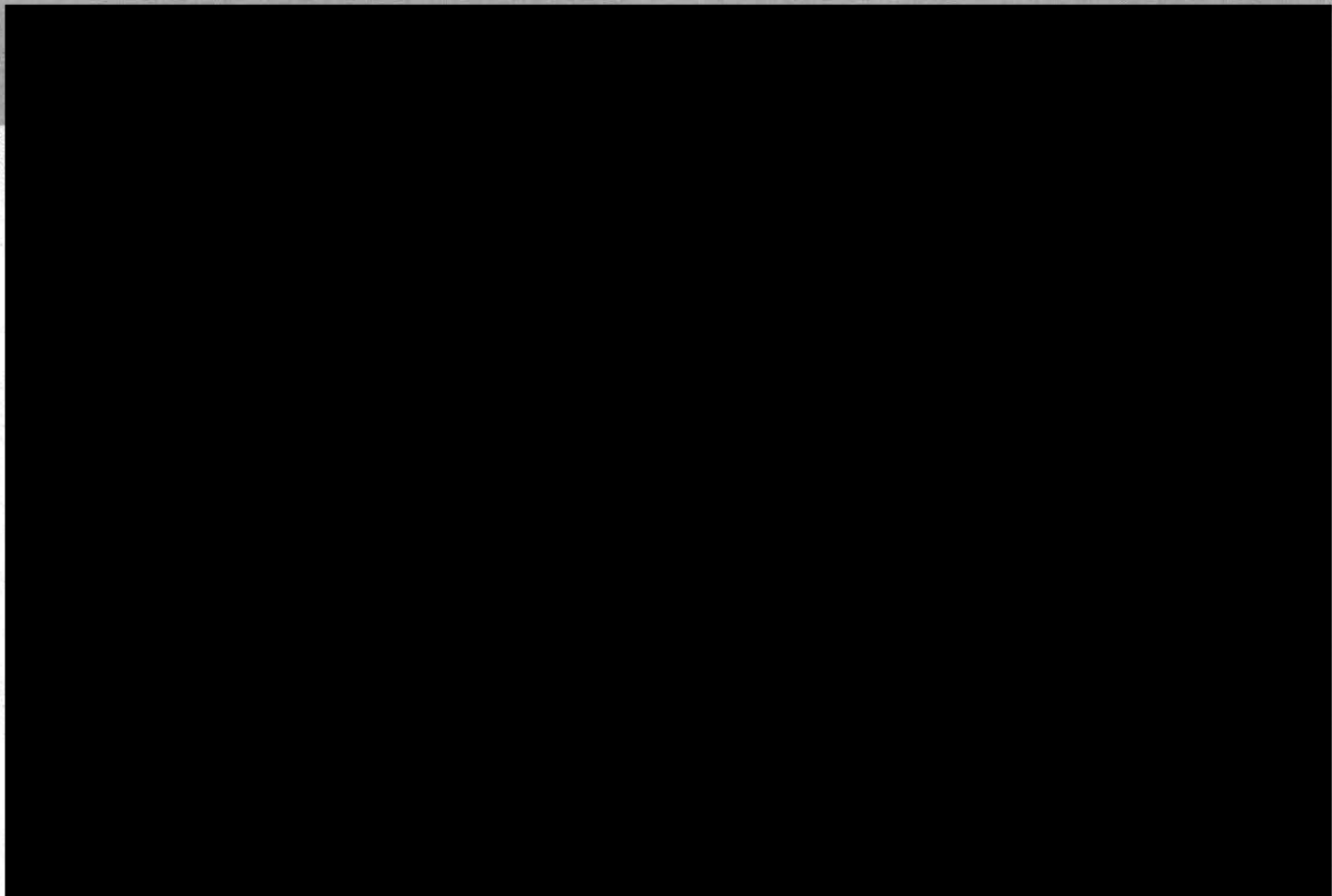


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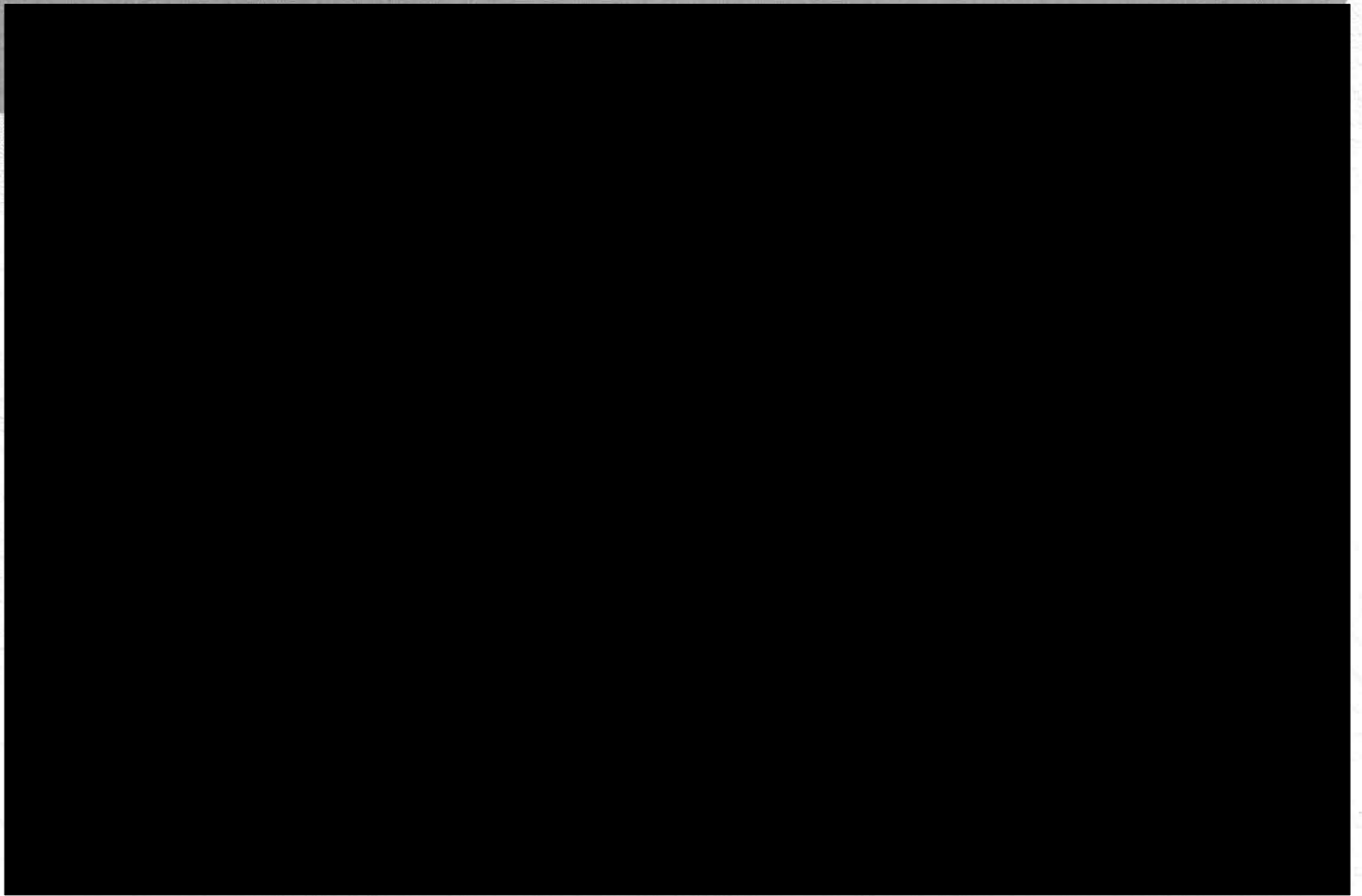


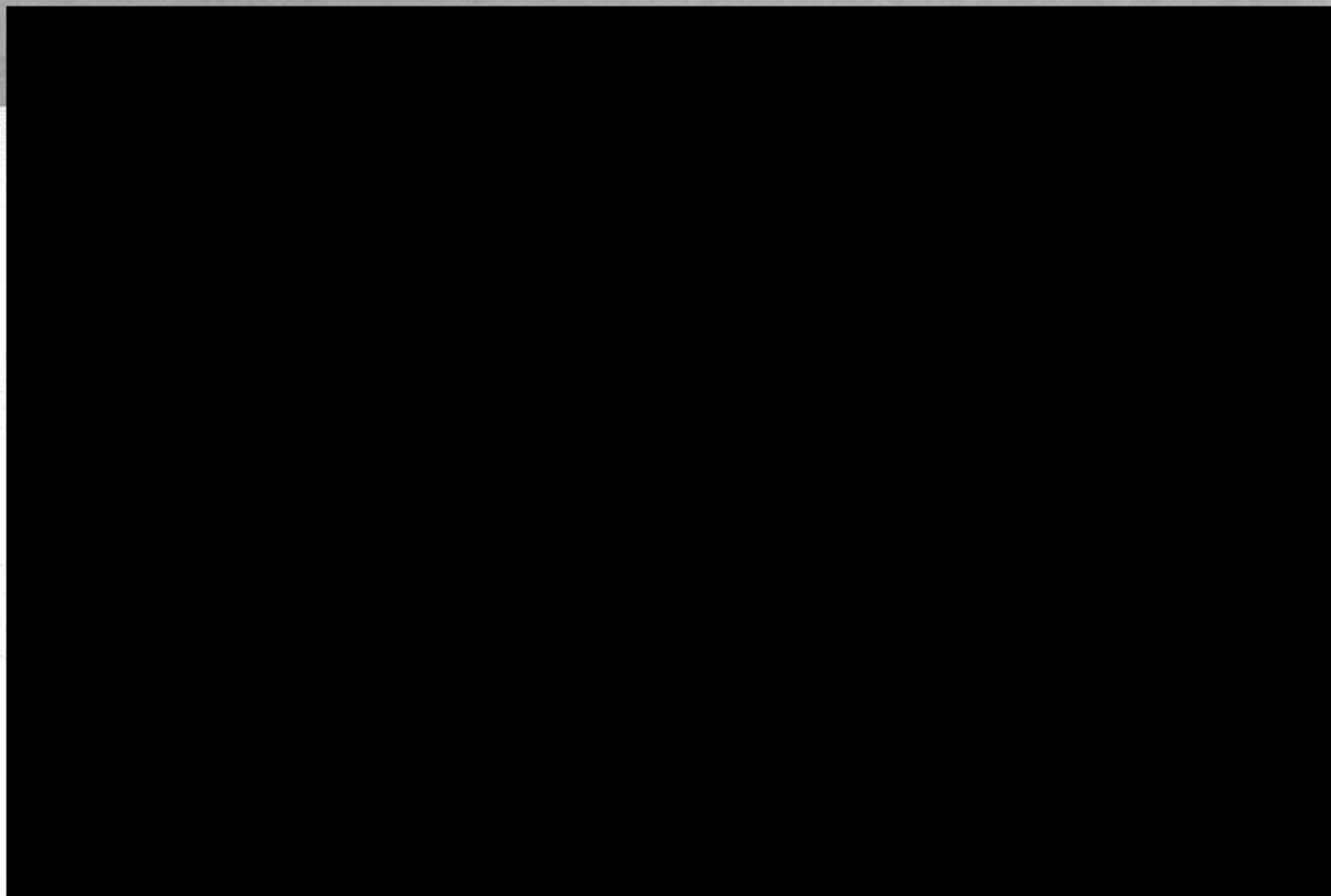
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